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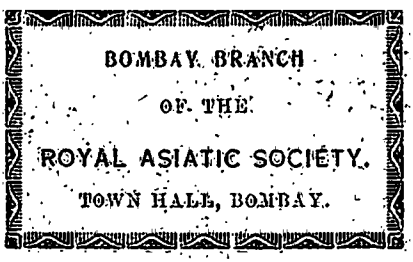

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THE

WORKS

OF

THE REV. SYDNEY SMITH.

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ARTICLES

ORIGINALLY PUBLISHED IN

THE EDINBURGH REVIEW.

MADAME D'EPINAY. (E. Review, 1818.)

Mémoires et Correspondance de Madame D'Epinay. 3 vols. 8vo. Paris, 1818.

There used to be in Paris, under the ancient régime, a few women of brilliant talents, who violated all the common duties of life, and gave very pleasant little suppers. Among these supped and sinned Madame d'Epinay — the friend and companion of Rousseau, Diderot, Grimm, Holbach, and many other literary persons of distinction of that period. Her principal lover was Grimm; with whom was deposited, written in feigned names, the history of her life. Grimm died — his secretary sold the history — the feigned names have been exchanged for the real ones — and her works now appear abridged in three volumes octavo.

Madame d'Epinay, though far from an immaculate character, has something to say in palliation of her irregularities. Her husband behaved abominably; and alienated, by a series of the most brutal injuries, an attachment which seems to have been very ardent and sincere, and which, with better treatment, would probably have been lasting. For, in all her aberrations, Madame d'Epinay seems to have had a tendency to be constant. Though extremely young when separated from her husband, she indulged herself with but two lovers for the rest of her life; — to the first of whom she

seems to have been perfectly faithful, till he left her at the end of ten or twelve years; — and to Grimm, by whom he was succeeded, she appears to have given no rival till the day of her death. The account of the life she led, both with her husband and her lovers, brings upon the scene a great variety of French characters, and lays open very completely the interior of French life and manners. But there are some letters and passages which ought not to have been published; which a sense of common decency and morality ought to have suppressed; and which, we feel assured, would never have seen the light in this country.

A French woman seems almost always to have wanted the flavour of prohibition, as a necessary condiment to human life. The provided husband was rejected, and the forbidden husband introduced in ambiguous light, through posterns and secret partitions. It was not the union to one man that was objected to — for they dedicated themselves with a constancy which the most household and parturient woman in England could not exceed; — but the thing wanted was the wrong man, the gentleman without the ring — the master unsworn to at the altar — the person unconsecrated by priests —

'Oh! let me taste thee unexcis'd by kings.'

The following strikes us as a very lively picture of the ruin and extravagance of a fashionable house in a great metropolis.

'M. d'Epinay a complété son domestique. Il a trois laquais, et moi deux; je n'en ai pas voulu davantage. Il a un valet de chambre; et il vouloit aussi que je prisse une seconde femme; mais, comme je n'en ai que faire, j'ai tenu bon. Enfin les officiers, les femmes, les valets se montent au nombre de seize. Quoique la vie que je mène soit assez uniforme, j'espère n'être pas obligée d'en changer. Celle de M. d'Epinay est différente. Lorsqu'il est levé, son valet de chambre se met en devoir de l'accommoder. Deux laquais sont debout à attendre les ordres. Le premier secrétaire vient avec l'intention de lui rendre compte des lettres qu'il a reçues de son département, et qu'il est chargé d'ouvrir; il doit lire les réponses et les faire signer; mais il est

interrompu deux cents fois dans cette occupation par toutes sortes d'espèces imaginables. C'est un maquignon qui a des chevaux uniques à vendre, mais qui sont retenus par un seigneur; ainsi il est venu pour ne pas manquer à sa parole; car on lui en donneroit le double, qu'on ne pourroit faire affaire. Il en fait une description séduisante, on demande le prix. Le seigneur un tel en offre soixante louis. — Je vous en donne cent. — Cela est inutile, à moins qu'il ne se dédise. Cependant l'on conclut à cent louis sans les avoir vus, car le lendemain le seigneur ne manque pas de se dédire: voilà ce que j'ai vu et entendu la semaine dernière.

'Ensuite c'est un polisson qui vient brailler un air, et à qui on accorde sa protection pour le faire entrer à l'Opéra, après lui avoir donné quelques leçons de bon goût, et lui avoir appris ce que c'est que la propreté du chant françois; c'est une demoiselle qu'on fait attendre pour savoir si je suis encore là. Je me lève et je m'en vais; les deux laquais ouvrent les deux battans pour me laisser sortir, moi qui passerois alors par le trou d'une aiguille; et les deux estafiers crient dans l'antichambre: Madame, messieurs; voilà madame. Tout le monde se range en haie, et ces messieurs sont des marchands d'étoffes, des marchands d'instrumens, des bijoutiers, des colporteurs, des laquais, des décroteurs, des créanciers; enfin tout ce que vous pouvez imaginer de plus ridicule et de plus affligeant. Midi ou une heure sonne avant que cette toilette soit achevée, et le secrétaire, qui, sans doute, sait par expérience l'impossibilité de rendre un compte détaillé des affaires, a un petit bordereau qu'il remet entre les mains de son maître, pour l'instruire de ce qu'il doit dire à l'assemblée. Une autre fois il sort à pied ou en fiacre, rentre à deux heures, fait comme un brûleur de maison, dîne tête à tête avec moi, ou admet en tiers son premier secrétaire, qui lui parle de la nécessité de fixer chaque article de dépense, de donner des délégations pour tel ou tel objet. La seule réponse est: Nous verrons cela. Ensuite il court le monde et les spectacles; et il soupe en ville quand il n'a personne à souper chez lui. Je vois que mon temps de repos est fini.'—(I. pp. 308—310.)

A very prominent person among the early friends of Madame d'Epinay, is Mademoiselle d'Ette, a woman of great French respectability, and circulating in the best society; and, as we are painting French manners, we shall make no apology to the serious part of our English readers, for inserting this sketch of her history and character by her own hand.

'Je connois, me dit-elle ensuite, votre franchise et votre discrétion : dites-moi naturellement quelle opinion on a de moi dans le monde. La meilleure, lui dis-je, et telle que vous ne pourriez la conserver si vous pratiquiez la morale que vous venez de me prêcher. Voilà où je vous attendois, me dit-elle. Depuis dix ans que j'ai perdu ma mère, je fus séduite par le Chevalier de Valory, qui m'avoit vu, pour ainsi dire, élever; mon extrême jeunesse et la confiance que j'avois en lui ne me permirent pas d'abord de me défier de ses vues. Je fus longtemps à m'en apercevoir, et lorsque je m'en aperçus, j avois pris tant de goût pour lui, que je n'eus pas la force de lui résister. Il me vint des scrupules; il les leva, en me promettant de m'épouser. Il y travailla en effet; mais voyant l'opposition que sa famille y apportoit, à cause de la disproportion d'âge et de mon peu de fortune; et me trouvant, d'ailleurs, heureuse comme j'étois, je fus la première à étouffer mes scrupules, d'autant plus qu'il est assez pauvre. Il commençoit à faire des réflexions, je lui proposai de continuer à vivre comme nous étions; il l'accepta. Je quittai ma province, et je le suivis à Paris: vous voyez comme j'y vis. Quatre fois la semaine il passe sa journée chez moi; le reste du temps nous nous contentons réciproquement d'apprendre de nos nouvelles, à moins que le hasard ne nous fasse rencontrer. Nous vivons heureux, contens; peut-être ne le serions-nous pas tant si nous étions mariés.'—(I. pp. 111, 112.)

This seems a very spirited, unincumbered way of passing through life; and it is some comfort, therefore, to a matrimonial English reader, to find Mademoiselle d'Ette kicking the Chevalier out of doors towards the end of the second volume. As it is a scene very edifying to rakes, and those who decry the happiness of the married state, we shall give it in the words of Madame d'Epinay.

'Une nuit, dont elle avoit passé la plus grande partie dans l'inquiétude, elle entre chez le chevalier: il dormoit; elle le réveille, s'assied sur son lit, et entame une explication avec toute la violence et la fureur qui l'animoient. Le chevalier, après avoir employé vainement, pour la calmer, tous les moyens que sa bonté naturelle lui suggéra, lui signifia enfin très-précisément qu'il alloit se séparer d'elle pour toujours, et fuir un enfer auquel il ne pouvoit plus tenir. Cette confidence, qui n'étoit pas faite pour l'apaiser, redoubla sa rage. Puisqu'il est ainsi, dit-elle, sortez tout à l'heure de chez moi; vous deviez partir dans quatre jours, c'est vous rendre service de

vous faire partir dans l'instant. Tout ce qui est ici m'appartient; le bail est en mon nom; il ne me convient plus de vous souffrir chez moi: levez-vous, monsieur, et songez à ne rien emporter sans ma permission.—(II. p. 193, 194.)

Our English method of asking leave to separate from Sir William Scott and Sir John Nichol is surely better than this.

Any one who provides good dinners for clever people, and remembers what they say, cannot fail to write entertaining Memoirs. Among the early friends of Madame d'Epinay was Jean Jacques Rousseau—she lived with him in considerable intimacy; and no small part of her book is taken up with accounts of his eccentricity, insanity, and vice.

'Nous avons débuté par *l'Engagement téméraire*, comédie nouvelle, de M. Rousseau, ami de Francueil, qui nous l'a présenté. L'auteur a joué un rôle dans sa pièce. Quoique ce ne soit qu'une comédie de société, elle a eu un grand succès. Je doute cependant qu'elle pût réussir au théâtre; mais c'est l'ouvrage d'un homme de beaucoup d'esprit, et peut-être d'un homme singulier. Je ne sais pas trop cependant si c'est ce que j'ai vu de l'auteur ou de la pièce qui me fait juger ainsi. Il est complimenteur sans être poli, ou au moins sans en avoir l'air. Il paroît ignorer les usages du monde; mais il est aisé de voir qu'il a infiniment d'esprit. Il a le teint brun, et des yeux pleins de feu animent sa physionomie. Lorsqu'il a parlé et qu'on le regarde, il paroît joli; mais lorsqu'on se le rappelle, c'est toujours en laid. On dit qu'il est d'une mauvaise santé, et qu'il a des souffrances qu'il cache avec soin, par je ne sais quel principe de vanité; c'est apparemment ce qui lui donne, de temps en temps, l'air farouche. M. de Bellegarde, avec qui il a causé long-temps ce matin, en est enchanté, et l'a engagé à nous venir voir souvent. J'en suis bien aise; je me promets de profiter beaucoup de sa conversation.'—(I. pp. 175, 176.)

Their friendship, so formed, proceeded to a great degree of intimacy. Madame d'Epinay admired his genius, and provided him with hats and coats; and, at last, was so far deluded by his declamations about the country, as to fit him up a little hermit cottage, where there were a great many birds, and a great many plants and flowers—and

where Rousseau was, as might have been expected, supremely miserable. His friends from Paris did not come to see him. The postman, the butcher, and the baker, hate romantic scenery — duchesses and marchionesses were no longer found to scramble for him. Among the real inhabitants of the country, the reputation of reading and thinking is fatal to character; and Jean Jacques cursed his own successful eloquence which had sent him from the suppers and flattery of Paris to smell to daffodils, watch sparrows, or project idle saliva into the passing stream. Very few men who have gratified, and are gratifying their vanity in a great metropolis, are qualified to quit it. Few have the plain sense to perceive, that they must soon inevitably be forgotten, — or the fortitude to bear it when they are. They represent to themselves imaginary scenes of deploring friends and dispirited companies — but the ocean might as well regret the drops exhaled by the sun-beams. Life goes on; and whether the absent have retired into a cottage or a grave, is much the same thing. — In London, as in Law, *de non apparentibus, et non existentibus eadem est ratio.*

This is the account Madame d'Epinay gives of Rousseau soon after he had retired into the hermitage.

'J'ai été il y a deux jours à la Chevrette, pour terminer quelques affaires avant de m'y établir avec mes enfans. J'avois fait prévenir Rousseau de mon voyage: il est venu me voir. Je crois qu'il a besoin de ma présence, et que la solitude a déjà agité sa bile. Il se plaint de tout le monde. Diderot doit toujours aller, et ne va jamais le voir; M. Grimm le néglige; le baron d'Holbach l'oublie; Gauffecourt et moi seulement avons encore des égards pour lui, dit-il; j'ai voulu les justifier; cela n'a pas réussi. J'espère qu'il sera beaucoup plus à la Chevrette qu'à l'Hermitage. Je suis persuadée qu'il n'y a que façon de prendre cet homme pour le rendre heureux; c'est de feindre de ne pas prendre garde à lui, et s'en occuper sans cesse; c'est pour cela que je n'insistai point pour le retenir, lorsqu'il m'eut dit qu'il vouloit s'en retourner à l'Hermitage, quoiqu'il fût tard et malgré le mauvais temps.' — (II. pp. 253, 254.)

Jean Jaques Rousseau seems, as the reward of genius and fine writing, to have claimed an exemption from all

moral duties. He borrowed and begged, and never paid; — put his children in a poor-house — betrayed his friends — insulted his benefactors — and was guilty of every species of meanness and mischief. His vanity was so great, that it was almost impossible to keep pace with it by any activity of attention; and his suspicion of all mankind amounted nearly, if not altogether, to insanity. The following anecdote, however, is totally clear of any symptom of derangement, and carries only the most rooted and disgusting selfishness.

'Rousseau vous a donc dit qu'il n'avoit pas porté son ouvrage à Paris? Il en a menti, car il n'a fait son voyage que pour cela. J'ai reçu hier une lettre de Diderot, qui peint votre hermite comme si je le voyois. Il a fait ces deux lieues à pied, est venu s'établir chez Diderot sans l'avoir prévenu, le tout pour faire avec lui la révision de son ouvrage. Au point où ils en étoient ensemble, vous conviendrez que cela est assez étrange. Je vois, par certains mots échappés à mon ami dans sa lettre, qu'il y a quelque sujet de discussion entre eux; mais comme il ne s'explique point, je n'y comprends rien. Rousseau l'a tenu impitoyablement à l'ouvrage depuis le samedi dix heures du matin jusqu'au lundi onze heures du soir, sans lui donner à peine le temps de boire ni manger. La révision finie, Diderot cause avec lui d'un plan qu'il a dans la tête, et prie Rousseau de l'aider à arranger un incident qui n'est pas encore trouvé à sa fantaisie. Cela est trop difficile, répond froidement l'hermite; il est tard, je ne suis point accoutumé à veiller. Bon soir, je pars demain à six heures du matin, il est temps de dormir. Il se lève, va se coucher, et laisse Diderot pétrifié de son procédé. Voilà cet homme que vous croyez si pénétré de vos leçons. Ajoutez à cette réflexion un propos singulier de la femme de Diderot, dont je vous prie de faire votre profit. Cette femme n'est qu'une bonne femme, mais elle a le tact juste. Voyant son mari désolé le jour du départ de Rousseau, elle lui en demanda la raison; il la lui dit: C'est le manque de délicatesse de cet homme, ajoute-t-il, qui m'afflige; il me fait travailler comme un manœuvre; je ne m'en serois, je crois, pas aperçu, s'il ne m'avoit refusé aussi sèchement de s'occuper pour moi un quart d'heure... Vous êtes étonné de cela, lui répond sa femme, vous ne le connoissez donc pas? Il est dévoré d'envie; il enrage quand il paroît quelque chose de beau qui n'est pas de lui. On lui verra faire un jour quelques grands forfaits plutôt que de se laisser ignorer. Tenez, je ne jurerois pas qu'il ne se

rangeât du parti des Jésuites, et qu'il n'entreprît leur apologie.' — (III. p. 60, 61.)

The horror which Diderot ultimately conceived for him, is strongly expressed in the following letter to Grimm, — written after an interview which compelled him, with many pangs, to renounce all intercourse with a man who had, for years, been the object of his tenderest and most partial feelings.

'Cet homme est un forcené. Je l'ai vu, je lui ai reproché, avec toute la force que donne l'honnêteté et une sorte d'intérêt qui reste au fond du cœur d'un ami qui lui est dévoué depuis long-temps, l'énormité de sa conduite; les pleurs versés aux pieds de Madame d'Epinay, dans le moment même où il la chargeoit près de moi des accusations les plus graves; cette odieuse apologie qu'il vous a envoyée, et où il n'y a pas une seule des raisons qu'il avoit à dire; cette lettre projectée pour Saint-Lambert, qui devoit le tranquilliser sur des sentimens qu'il se reprochoit, et où, loin d'avouer une passion née dans son cœur malgré lui, il s'excuse d'avoir alarmé Madame d'Houdetot sur la sienne. Que sais-je encore? Je ne suis point content de ses réponses; je n'ai pas eu le courage de le lui témoigner; j'ai mieux aimé lui laisser la misérable consolation de croire qu'il m'a trompé. Qu'il vive! Il a mis dans sa défense un emportement froid qui m'a affligé. J'ai peur qu'il ne soit endurci.

'Adieu, mon ami; soyons et continuons d'être honnêtes gens: l'état de ceux qui ont cessé de l'être me fait peur. Adieu, mon ami; je vous embrasse bien tendrement. . . . Je me jette dans vos bras comme un homme effrayé; je tâche en vain de faire de la poésie, mais cet homme me revient tout à travers mon travail; il me trouble, et je suis comme si j'avois à côté de moi un damné; il est damné, cela est sûr. Adieu, mon ami. . . . . Grimm, voilà l'effet que je ferois sur vous, si je devenois jamais un méchant: en vérité, j'aimerois mieux être mort. Il n'y a peut-être pas le sens commun dans tout ce que je vous écris, mais je vous avoue que je n'ai jamais éprouvé un trouble d'ame si terrible que celui que j'ai.

'Oh! mon ami, quel spectacle que celui d'un homme méchant et bourrelé! Brûlez, déchirez ce papier, qu'il ne retombe plus sous vos yeux; que je ne revoie plus cet homme-là, il me feroit croire aux diables et à l'enfer. Si je suis jamais forcé de retourner chez lui, je suis sûr que je frémirai tout le long du chemin: j'avois la fièvre en revenant. Je suis fâché de ne lui avoir pas laissé voir l'horreur qu'il m'inspiroit, et je ne me

réconcilie avec moi qu'en pensant, que vous, avec toute votre fermeté, vous ne l'auriez pas pu à ma place; je ne sais pas s'il ne m'auroit pas tué. On entendoit ses cris jusqu'au bout du jardin; et je le voyois! Adieu, mon ami, j'irai demain vous voir; j'irai chercher un homme de bien, auprès duquel je m'asseye, qui me rassure, et qui chasse de mon ame je ne sais quoi d'infernal qui la tourmente et qui s'y est attaché. Les poètes ont bien fait de mettre un intervalle immense entre le ciel et les enfers. En vérité, la main me tremble.'—(III. pp. 148, 149.)

Madame d'Epinay lived, as we before observed, with many persons of great celebrity. We could not help smiling, among many others, at this anecdote of our countryman David Hume. At the beginning of his splendid career of fame and fashion at Paris, the historian was persuaded to appear in the character of a Sultan; and was placed on a sofa between two of the most beautiful women of Paris, who acted for that evening the part of inexorables, whose favour he was supposed to be soliciting. The absurdity of this scene can easily be conceived.

'Le célèbre David Hume, grand et gros historiographe d'Angleterre, connu et estimé par ses écrits, n'a pas autant de talens pour ce genre d'amusemens auquel toutes nos jolies femmes l'avoient décidé propre. Il fit son début chez Madame de T* * *; on lui avoit destiné le rôle d'un sultan assis entre deux esclaves, employant toute son éloquence pour s'en faire aimer; les trouvant inexorables, il devoit chercher le sujet de leurs peines et de leur résistance: on le place sur un sopha entre les deux plus jolies femmes de Paris, il les regarde attentivement, il se frappe le ventre et les genoux à plusieurs reprises, et ne trouve jamais autre chose à leur dire que: *Eh bien! mes demoiselles . . . . Eh bien! vous voilà donc . . . . Eh bien! vous voilà . . . vous voilà ici?* . . . Cette phrase dura un quart d'heure, sans qu'il pût en sortir. Une d'elles se leva d'impatience: Ah! dit-elle, je m'en étois bien doutée, cet homme n'est bon qu'à manger du veau! Depuis ce temps il est relégué au rôle de spectateur, et n'en est pas moins fêté et cajolé. C'est en vérité une chose plaisante que le rôle qu'il joue ici; malheureusement pour lui, ou plutôt pour la dignité philosophique, car, pour lui, il paroît s'accommoder fort de ce train de vie; il n'y avoit aucune manie dominante dans ce pays lorsqu'il y est arrivé; on l'a

regardé comme une trouvaille dans cette circonstance, et l'effervescence de nos jeunes têtes s'est tournée de son côté. Toutes les jolies femmes s'en sont emparées; il est de tous les soupers fins, et il n'est point de bonne fête sans lui: en un mot, il est pour nos agréables ce que les Genevois sont pour moi.' — (III. pp. 284, 285.)

There is always some man, of whom the human viscera stand in greater dread than of any other person, who is supposed, for the time being, to be the only person who can dart his pill into their inmost recesses; and bind them over, in medical recognisance, to assimilate and digést. In the Trojan war, Podalirius and Machaon were what Dr. Baillie and Sir Henry Halford now are — they had the fashionable practice of the Greek camp; and, in all probability, received many a guinea from Agamemnon dear to Jove, and Nestor the tamer of horses. In the time of Madame d'Epinay, Dr. Tronchin of Geneva was in vogue, and no lady of fashion could recover without writing to him, or seeing him in person. To the Esculapius of this very small and irritable republic Madame d'Epinay repaired; and, after a struggle between life and death, and Dr. Tronchin, recovered her health. During her residence at Geneva, she became acquainted with Voltaire, of whom she has left the following admirable and original account — the truth, talent, and simplicity of which, are not a little enhanced by the tone of adulation or abuse which has been so generally employed in speaking of this celebrated person.

'Eh bien! mon ami, je n'aimerois pas à vivre de suite avec lui; il n'a nul principe arrêté, il compte trop sur sa mémoire, et il en abuse souvent; je trouve qu'elle fait tort quelquefois à sa conversation; il redit plus qu'il ne dit, et ne laisse jamais rien à faire aux autres. Il ne sait point causer, et il humilie l'amour-propre; il dit le pour et le contre, tant qu'on veut, toujours avec de nouvelles graces à la vérité, et néanmoins il a toujours l'air de se moquer de tout, jusqu'à lui-même. Il n'a nulle philosophie dans la tête; il est tout hérissé de petits préjugés d'enfans; on les lui passeroit peut-être en faveur de ses graces, du brillant de son esprit et de son originalité, s'il ne s'affichoit pas pour les secouer tous. Il a des inconséquences plaisantes, et il est au milieu de tout cela très-amusant à voir.

Mais je n'aime point les gens qui ne font que m'amuser. Pour madame sa nièce, elle est tout-à-fait comique.

' Il paroît ici depuis quelques jours un livre qui a vivement échauffé les têtes, et qui cause des discussions fort intéressantes entre différentes personnes de ce pays, parce que l'on prétend que la constitution de leur gouvernement y est intéressée : Voltaire s'y trouve mêlé pour des propos assez vifs qu'il a tenu à ce sujet contre les prêtres. La grosse nièce trouve fort mauvais que tous les magistrats n'ayent pas pris fait et cause pour son oncle. Elle jette tour à tour ses grosses mains et ses petits bras par dessus sa tête, maudissant avec des cris inhumains les lois, les républiques, et surtout ces polissons de républicains qui vont à pied, qui sont obligés de souffrir les criailleries de leurs prêtres, et qui se croient libres. Cela est tout-à-fait bon à entendre et à voir.' — (III. pp. 196, 197.)

Madame d'Epinay was certainly a woman of very considerable talent. Rousseau accuses her of writing bad plays and romances. This may be; but her epistolary style is excellent — her remarks on passing events lively, acute, and solid — and her delineation of character admirable. As a proof of this, we shall give her portrait of the Marquis de Croismare, one of the friends of Diderot and the Baron d'Holbach.

' Je lui crois bien soixante ans; il ne les paroît pourtant pas. Il est d'une taille médiocre, sa figure a dû être très-agréable: elle se distingue encore par un air de noblesse et d'aisance, qui répand de la grace sur toute sa personne. Sa physionomie a de la finesse. Ses gestes, ses attitudes ne sont jamais recherchés; mais ils sont si bien d'accord avec la tournure de son esprit, qu'ils semblent ajouter à son originalité. Il parle des choses les plus sérieuses et les plus importantes d'un ton si gai, qu'on est souvent tenté de ne rien croire de ce qu'il dit. On n'a presque jamais rien à citer de ce qu'on lui entend dire; mais lorsqu'il parle, on ne veut rien perdre de ce qu'il dit; s'il se tait, on désire qu'il parle encore. Sa prodigieuse vivacité, et une singulière aptitude à toutes sortes de talens et de connoissances, l'ont porté à tout voir et à tout connoître; au moyen de quoi vous comprenez qu'il est fort instruit. Il a bien lu, bien vu, et n'a retenu que ce qui valoit la peine de l'être. Son esprit annonce d'abord plus d'agrément que de solidité, mais je crois que quiconque le jugeroit frivole lui feroit tort. Je le soupçonne de renfermer dans son cabinet les épines des roses qu'il distribue

dans la société: assez constamment gai dans le monde, seul je le crois mélancolique. On dit qu'il a l'ame aussi tendre qu'honnête; qu'il sent vivement et qu'il se livre avec impétuosité à ce qui trouve le chemin de son cœur. Tout le monde ne lui plaît pas; il faut pour cela de l'originalité, ou des vertus distinguées, ou de certains vices qu'il appelle passions; néanmoins dans le courant de la vie, il s'accommode de tout. Beaucoup de curiosité et de la facilité dans le caractère (ce qui va jusqu'à la foiblesse) l'entraînent souvent à négliger ses meilleurs amis et à les perdre de vue, pour se livrer à des goûts factices et passagers: il en rit avec eux; mais on voit si clairement qu'il en rougit avec lui-même, qu'on ne peut lui savoir mauvais gré de ses disparates.' — (II. pp. 324—326.)

The portrait of Grimm, the French Boswell, vol. iii. p. 97., is equally good, if not superior; but we have already extracted enough, to show the nature of the work, and the talents of the author. It is a lively, entertaining book — relating in an agreeable manner the opinions and habits of many remarkable men — mingled with some very scandalous and improper passages, which degrade the whole work. But if all the decencies and delicacies of life were in one scale, and five francs in the other, what French bookseller would feel a single moment of doubt in making his election?

AMERICA. (E. Review, 1818.)

1. *Travels in Canada and the United States, in* 1816 *and* 1817. By Lieutenant Francis Hall, 14th Light Dragoons, H. P. London. Longman & Co. 1818.

2. *Journal of Travels in the United States of North America, and in Lower Canada, performed in the Year* 1817, *&c., &c.* By John Palmer. London. Sherwood, Neely, & Jones. 1818.

3. *A Narrative of a Journey of Five Thousand Miles through the Eastern and Western States of America; contained in Eight Reports, addressed to the Thirty-nine English Families by whom the Author was deputed, in June* 1817, *to ascertain whether any, and what Part of the United States would be suitable for their Residence. With Remarks on Mr. Birkbeck's 'Notes' and 'Letters.'* By Henry Bradshaw Fearon. London. Longman & Co. 1818.

4. *Travels in the Interior of America, in the Years* 1809, 1810, *and* 1811, *&c.* By John Bradbury, F.L.S. London. 8vo. London. Sherwood, Neely, & Jones. 1817.

These four books are all very well worth reading to any person who feels, as we do, the importance and interest of the subject of which they treat. They contain a great deal of information and amusement; and will probably decide the fate, and direct the footsteps, of many human beings, seeking a better lot than the Old World can afford them. Mr. Hall is a clever, lively man, very much above the common race of writers; with very liberal and reasonable opinions, which he expresses, with great boldness, — and an inexhaustible fund of good humour. He has the elements of wit in him; but sometimes is trite and flat when he means to be amusing. He writes verses, too, and is occasionally long and metaphysical; but, upon the whole, we think highly of Mr. Hall; and deem him, if he is not more than twenty-

five years of age, an extraordinary young man. He is not the less extraordinary for being a Lieutenant of Light Dragoons—as it is certainly somewhat rare to meet with an original thinker, an indulgent judge of manners, and a man tolerant of neglect and familiarity, in a youth covered with tags, feathers, and martial foolery.

Mr. Palmer is a plain man, of good sense and slow judgment. Mr. Bradbury is a botanist, who lived a good deal among the savages, but worth attending to. Mr. Fearon is a much abler writer than either of the two last, but no lover of America—and a little given to exaggeration in his views of vices and prejudices.

Among other faults with which our government is chargeable, the vice of *impertinence* has lately crept into our cabinet; and the Americans have been treated with ridicule and contempt. But they are becoming a little too powerful, we take it, for this cavalier sort of management; and are increasing with a rapidity which is really no matter of jocularity to us, or the other powers of the Old World. In 1791, Baltimore contained 13,000 inhabitants; in 1810, 46,000; in 1817, 60,000. In 1790, it possessed 13,000 tons of shipping; in 1798, 59,000; in 1805, 72,000; in 1810, 103,444. The progress of Philadelphia is as follows:—

		Houses.	Inhabitants.
'In 1683	there were in the city -	80 and	600
1700	- -	700	5,000
1749	- -	2,076	15,000
1760	- -	2,969	20,000
1769	- -	4,474	30,000
1776	- -	5,460	40,000
1783	- -	6,000	42,000
1806	- -	13,000	90,000
1810	- -	22,769	100,000

'Now, it is computed there are at least 120,000 inhabitants in the city and suburbs, of which 10,000 are free coloured people.'—*Palmer*, p. 254, 255.

The population of New York (*the city*), in 1805, was 60,000; it is now 120,000. Their shipping, at present.

amounts to 300,000 tons. The population of *the state* of New York was, at the accession of his present Majesty, 97,000, and is now near 1,000,000. Kentucky, first settled in 1773, had, in 1792, a population of 100,000; and in 1810, 406,000. Morse reckons the whole population of the western territory, in 1790, at 6000; in 1810 it was near half a million; and will probably exceed a million in 1820. These, and a thousand other equally strong proofs of their increasing strength, tend to extinguish pleasantry, and provoke thought.

We were surprised and pleased to find from these accounts, that the Americans on the Red River and the Arkansas River have begun to make sugar and wine. Their importation of wool into this country is becoming also an object of some consequence; and they have inexhaustible supplies of salt and coal. But one of the great sources of wealth in America is and will be an astonishing command of inland navigation. The Mississippi, flowing from the north to the Gulf of Mexico, through seventeen degrees of latitude; the Ohio and the Alleghany almost connecting it with the Northern Lakes; the Wabash, the Illinois, the Missouri, the Arkansas, the Red River, flowing from the confines of New Mexico;—these rivers, all navigable, and most of them already frequented by steamboats, constitute a facility of internal communication, not, we believe, to be paralleled in the whole world.

One of the great advantages of the American government is its cheapness. The American king has about 5000*l.* per annum, the vice-king 1000*l.* They hire their Lord Liverpool at about a thousand per annum, and their Lord Sidmouth (a good bargain) at the same sum. Their Mr. Crokers are inexpressibly reasonable,—somewhere about the price of an English door-keeper, or bearer of a mace. Life, however, seems to go on very well, in spite of these low salaries; and the purposes of government to be very fairly answered. Whatever may be the evils of universal suffrage in other countries, they have not yet been felt in America; and one thing at least is established by her experience, that this institution is not necessarily followed by those tumults, the dread of which excites so

much apprehension in this country. In the most democratic states, where the payment of direct taxes is the only qualification of a voter, the elections are carried on with the utmost tranquillity; and the whole business, by taking votes in each parish or section, concluded all over the state in a single day. A great deal is said by Fearon about *Caucus*, the cant word of the Americans for the committees and party meetings in which the business of the elections is prepared—the influence of which he seems to consider as prejudicial. To us, however, it appears to be nothing more than the natural, fair, and unavoidable influence, which talent, popularity, and activity, always must have upon such occasions. What other influence can the leading characters of the democratic party in Congress possibly possess? Bribery is entirely out of the question—equally so is the influence of family and fortune. What then can they do, with their Caucus or without it, but recommend? And what charge is it against the American government to say, that those members of whom the people have the highest opinion meet together to consult whom they shall recommend for President, and that their recommendation is successful in their different states? Could any friend to good order wish other means to be employed, or other results to follow? No statesman can wish to exclude influence, but only bad influence;—not the influence of sense and character, but the influence of money and punch.

A very disgusting feature in the character of the present English government is its extreme timidity, and the cruelty and violence to which its timidity gives birth. Some hot-headed young person, in defending the principles of liberty, and attacking those abuses to which all governments are liable, passes the bounds of reason and moderation, or is thought to have passed them by those whose interest it is to think so. What matters it whether he has or not? You are strong enough to let him alone. With such institutions as ours he can do no mischief; perhaps he may owe his celebrity to your opposition; or, if he must be opposed, write against him,—set Candidus.

Scrutator, Vindex, or any of the conductitious penmen of government to write him down;—any thing but the savage spectacle of a poor wretch, perhaps a very honest man, contending in vain against the weight of an immense government, pursued by a zealous attorney, and sentenced by some candidate, perhaps, for the favour of the crown, to the long miseries of the dungeon.* A still more flagrant instance may be found in our late suspensions of the Habeas Corpus Act. Nothing was trusted to the voluntary activity of a brave people, thoroughly attached to their government—nothing to the good sense and prudence of the gentlemen and yeomen of the country—nothing to a little forbearance, patience, and watchfulness. There was no other security but despotism; nothing but the alienation of that right which no king nor minister can love, and which no human beings but the English have had the valour to win, and the prudence to keep. The contrast between our government and that of the Americans upon the subject of suspending the Habeas Corpus, is drawn in so very able a manner by Mr. Hall, that we must give the passage at large.

'It has ever been the policy of the Federalists to "strengthen the hands of government." No measure can be imagined more effectual for this purpose, than a law which gifts the ruling

* A great deal is said about the independence and integrity of English judges. In causes between individuals they are strictly independent and upright: but they have strong temptations to be otherwise, in cases where the Crown prosecutes for libel. Such cases often involve questions of party, and are viewed with great passion and agitation by the minister and his friends. Judges have often favours to ask for their friends and families, and dignities to aspire to for themselves. It is human nature, that such powerful motives should create a great bias against the prisoner. Suppose the chief justice of any court to be in an infirm state of health, and a government libel-cause to be tried by one of the puisne judges — of what immense importance is it to that man to be called a strong friend to government — how injurious to his natural and fair hopes to be called lukewarm, or addicted to popular notions — and how easily the runners of the government would attach such a character to him! The useful inference from these observations is, that, in all government cases, the jury, instead of being influenced by the cant phrases about the integrity of English judges, should suspect the operation of such motives — watch the judge with the most acute jealousy — and compel him to be honest, by throwing themselves into the opposite scale whenever he is inclined to be otherwise.

powers with infallibility; but no sooner was it enacted, than it revealed its hostility to the principles of the American system, by generating oppression under the cloak of defending social order.

'If there ever was a period when circumstances seemed to justify what are called energetic measures, it was during the administration of Mr. Jefferson and his successor. A disastrous war began to rage not only on the frontiers, but in the very penetralia of the republic. To oppose veteran troops, the ablest generals, and the largest fleets in the world, the American Government had raw recruits, officers who had never seen an enemy, half a dozen frigates, and a population unaccustomed to sacrifices, and impatient of taxation. To crown these disadvantages, a most important section of the Union, the New England States, openly set up the standard of separation and rebellion. A convention sat for the express purpose of thwarting the measures of government; while the press and pulpit thundered every species of denunciation against whoever should assist their own country in the hour of danger.* And this was the work, not of Jacobins and democrats, but of the staunch friends of religion and social order, who had been so zealously attached to the government, while it was administered by their own party, that they suffered not the popular breath "to visit the President's breech too roughly."

'The course pursued, both by Mr. Jefferson and Mr. Maddison, throughout this season of difficulty, merits the gratitude of their country, and the imitation of all governments pretending to be free.

'So far were they from demanding any extraordinary powers from Congress, that they did not even enforce, to their full extent, those with which they were by the constitution invested. The process of reasoning, on which they probably acted, may be thus stated. The majority of the nation is with us, because the war is national. The interests of a minority suffer; and self-interest is clamorous when injured. It carries its opposition

* 'In Boston, associations were entered into for the purpose of preventing the filling up of government loans. Individuals disposed to subscribe were obliged to do it in secret, and conceal their names, as if the action had been dishonest.'—(*Vide* "Olive Branch," p. 307.) At the same time, immense runs were made by the Boston banks on those of the Central and Southern States; while the specie thus drained was transmitted to Canada, in payment for smuggled goods and British Government bills, which were drawn in Quebec, and disposed of in great numbers, on advantageous terms, to monied men in the states. Mr. Henry's mission is the best proof of the result anticipated by our government from these proceedings in New England.

to an extreme inconsistent with its political duty. Shall we leave it an undisturbed career of faction, or seek to put it down with libel and sedition laws? In the first case it will grow bold from impunity; its proceedings will be more and more outrageous: but every step it takes to thwart us will be a step in favour of the enemy, and, consequently, so much ground lost in public opinion. But, as public opinion is the only instrument by which a minority can convert a majority to its views, impunity, by revealing its motives, affords the surest chance of defeating its intent. In the latter case, we quit the ground of reason to take that of force; we give the factious the advantage of seeming persecuted: by repressing intemperate discussion, we confess ourselves liable to be injured by it. If we seek to shield our reputation by a libel-law, we acknowledge, either that our conduct will not bear investigation, or that the people are incapable of distinguishing betwixt truth and falsehood; but for a popular government to impeach the sanity of the nation's judgment is to overthrow the pillars of its own elevation.

'The event triumphantly proved the correctness of this reasoning. The Federalists awoke from the delirium of factious intoxication, and found themselves covered with contempt and shame. Their country had been in danger, and they gloried in her distress. She had exposed herself to privations from which they had extracted profit. In her triumphs they had no part, except that of having mourned over and depreciated them. Since the war Federalism has been scarcely heard of.'—(*Hall*, 508—511.)

The Americans, we believe, are the first persons who have discarded the tailor in the administration of justice, and his auxiliary the barber—two persons of endless importance in the codes and pandects of Europe. A judge administers justice, without a calorific wig and parti-coloured gown, in a coat and pantaloons. He is obeyed, however; and life and property are not badly protected in the United States. We shall be denounced by the Laureate as atheists and Jacobins; but we must say, that we have doubts whether one atom of useful influence is added to men in important situations by any colour, quantity, or configuration of cloth and hair. The true progress of refinement, we conceive, is to discard all the mountebank drapery of barbarous ages. One row of gold and fur falls off after another from the robe of

power, and is picked up and worn by the parish-beadle and the exhibitor of wild beasts. Meantime, the afflicted wiseacre mourns over equality of garment; and wotteth not of two men, whose doublets have cost alike, how one shall command and the other obey.

The dress of lawyers, however, is, at all events, of less importance than their charges. Law is cheap in America: in England, it is better, in a mere pecuniary point of view, to give up forty pounds than to contend for it in a court of common law. It costs that sum in England to win a cause; and, in the court of equity, it is better to abandon five hundred or a thousand pounds than to contend for it. We mean to say nothing disrespectful of the chancellor—who is an upright judge, a very great lawyer, and zealous to do all he can; but we believe the Court of Chancery to be in a state which imperiously requires legislative correction. We do not accuse it of any malversation, but of a complication, formality, entanglement, and delay, which the life, the wealth, and the patience of man cannot endure. How such a subject comes not to have been taken up in the House of Commons, we are wholly at a loss to conceive. We feel for climbing boys as much as anybody can do; but what is a climbing boy in a chimney to a full-grown suitor in the Master's office? And whence comes it, in the midst of ten thousand compassions and charities, that no Wilberforce, or Sister Fry, has started up for the suitors in Chancery?* and why, in the name of these afflicted and attorney-worn people, are there united in their judge three or four offices, any one of which is sufficient to occupy the whole time of a very able and active man?

There are no very prominent men at present in America; at least none whose fame is strong enough for ex-

* This is still one of the great uncorrected evils of the country. Nothing can be so utterly absurd as to leave the head of the Court of Chancery a political officer, and to subject forty millions of litigated property to all the delays and interruptions which are occasioned by his present multiplicity of offices. (1839.)—The Chancellor is Speaker of the House of Lords; he might as well be made Archbishop of Canterbury;—it is one of the greatest of existing follies.

portation. Munro is a man of plain unaffected good sense. Jefferson, we believe, is still alive; and has always been more remarkable, perhaps, for the early share he took in the formation of the republic, than from any very predominant superiority of understanding. Mr. Hall made him a visit:—

'I slept a night at Monticello, and left it in the morning with such a feeling as the traveller quits the mouldering remains of a Grecian temple, or the pilgrim a fountain in the desert. It would indeed argue great torpor, both of understanding and heart, to have looked without veneration and interest on the man who drew up the declaration of American independence; who shared in the councils by which her freedom was established; whom the unbought voice of his fellow-citizens called to the exercise of a dignity from which his own moderation impelled him, when such example was most salutary, to withdraw; and who, while he dedicates the evening of his glorious days to the pursuits of science and literature, shuns none of the humbler duties of private life; but, having filled a seat higher than that of kings, succeeds with graceful dignity to that of the good neighbour, and becomes the friendly adviser, lawyer, physician, and even gardener, of his vicinity. This is the "still small voice" of philosophy, deeper and holier than the lightenings and earthquakes which have preceded it. What monarch would venture thus to exhibit himself in the nakedness of his humanity? On what royal brow would the laurel replace the diadem?'—(*Hall*, 384, 385.)

Mr. Fearon dined with another of the Ex-Kings, Mr. Adams.

'The ex-president is a handsome old gentleman of eighty-four;—his lady is seventy-six:—she has the reputation of superior talents, and great literary acquirements. I was not perfectly a stranger here; as, a few days previous to this, I had received the honour of an hospitable reception at their mansion. Upon the present occasion the minister (the day being Sunday) was of the dinner party. As the table of a "*late King*" may amuse some of you, take the following particulars:—first course, a pudding made of Indian corn, molasses, and butter;—second, veal, bacon, neck of mutton, potatoes, cabbages, carrots, and Indian beans; Madeira wine, of which each drank two glasses. We sat down to dinner at one o'clock; at two, nearly all went

a second time to church. For tea, we had pound-cake, sweet bread and butter, and bread made of Indian corn and rye (similar to our brown home-made). Tea was brought from the kitchen and handed round by a neat, white servant girl. The topics of conversation were various. England, America, religion, politics, literature, science, Dr. Priestley, Miss Edgeworth, Mrs. Siddons, Mr. Kean, France, Shakspeare, Moore, Lord Byron, Cobbett, American revolution, the traitor General Arnold.

'The establishment of this political patriarch consists of a house two storeys high, containing, I believe, eight rooms; of two men and three maid-servants; three horses and a plain carriage. How great is the contrast between this individual — a man of knowledge and information — without pomp, parade, or vicious and expensive establishments, as compared with the costly trappings, the depraved characters, and the profligate expenditure of —— House, and ———! What a lesson *in this* does America teach! There are now in this land no less than three Cincinnati!' — (*Fearon*, pp. 111—113.)

The travellers agree, we think, in complaining of the insubordination of American children — and do not much like American ladies. In their criticisms upon American gasconade, they forget that vulgar people of all countries are full of gasconade. The Americans love titles. — The following extract from the Boston Sentinel of last August (1817) is quoted by Mr. Fearon.

'"*Dinner to Mr. Adams.* — Yesterday a public dinner was given to the *Hon.* John Q. Adams, in the Exchange Coffee-house, by his fellow-citizens of Boston. The *Hon.* Wm. Gray presided, assisted by the *Hon.* Harrison Gray Otis, George Blake, Esq., and the *Hon.* Jonathan Mason, vice-presidents. Of the guests were, the *Hon.* Mr. Adams, late president of the United States, his *Excellency* Governor Brooks, his *Honor* Lt. Gov. Phillips, Chief Justice Parker, Judge Story, President Kirkland, Gen. Dearborn, Com. Hull, Gen. Miller, several of the reverend clergy, and many public officers, and strangers of eminence."'

They all, in common with Mr. Birkbeck, seem to be struck with the indolence of the American character. Mr. Fearon makes the charge; and gives us below the right explanation of its cause.

'The life of boarders at an American tavern presents the most senseless and comfortless mode of killing time which I have ever seen. Every house of this description that I have been in is thronged to excess; and there is not a man who appears to have a single earthly object in view, except spitting, and smoking cigars. I have not seen a book in the hands of any person since I left Philadelphia. Objectionable as these habits are, they afford decided evidence of the prosperity of that country, which can admit so large a body of its citizens to waste in indolence three fourths of their lives, and would also appear to hold out encouragement to Englishmen with *English habits*, who could retain their industry amid a nation of indolence, and have sufficient firmness to live in America, and yet bid defiance to the deadly example of its natives.'—(*Fearon*, pp. 252, 253.)

Yet this charge can hardly apply to the north-eastern parts of the Union.

The following sample of American vulgarity is not unentertaining.

'On arriving at the tavern door the landlord makes his appearance.—*Landlord.* Your servant, gentlemen, this is a fine day. *Answer.* Very fine.—*Land.* You've got two *nice creatures*, they are *right elegant* matches. *Ans.* Yes, we bought them for matches.—*Land.* They cost a *heap* of dollars (a pause, and knowing look); 200 I *calculate*. *Ans.* Yes, they cost a good sum.—*Land. Possible!* (a pause); going westward to Ohio, gentlemen? *Ans.* We are going to Philadelphia.—*Land.* Philadelphia, ah! that's a *dreadful* large place, three or four times as *big* as Lexington. *Ans.* Ten times as large—*Land.* Is it by George! what a *mighty heap* of houses! (a pause); but I *reckon* you was not *reared* in Philadelphia. *Ans.* Philadelphia is not our native place.—*Land.* Perhaps *away up* in Canada. *Ans.* No, we are from England.—*Land. Is it possible!* well, I *calculated* you were from abroad (pause); how long have you been from the *old country?* *Ans.* We left England last March.—*Land.* And in August here you are in *Kentuck*. Well, I should have *guessed* you had been in the State some years; you speak almost as good English as we do!

'This dialogue is not a literal copy; but it embraces most of the frequent and improper applications of words used in the back country, with a few New England phrases. By the loghouse farmer and tavern keeper, they are used as often, and as erroneously as they occur in the above discourse.'—(*Palmer*, pp. 129, 130.)

This is of course intended as a representation of the manners of the low, or, at least, the middling class of people in America.

The four travellers, of whose works we are giving an account, made extensive tours in every part of America, as well in the old as in the new settlements; and generally speaking, we should say their testimony is in favour of American manners. We must except, perhaps, Mr. Fearon;—and yet he seems to have very little to say against them. Mr. Palmer tells us, that he found his companions, officers and farmers, unobtrusive, civil, and obliging;—that what the servants do for you, they do with alacrity;—that at their *tables-d'hôte* ladies are treated with great politeness. We have real pleasure in making the following extract from Mr. Bradbury's tour.

'In regard to the manners of the people west of the Alleghanies, it would be absurd to expect that a general character could be now formed, or that it will be, for many years yet to come. The population is at present compounded of a great number of nations, not yet amalgamated, consisting of emigrants from every State in the Union, mixed with English, Irish, Scotch, Dutch, Swiss, Germans, French, and almost from every country in Europe. In some traits they partake in common with the inhabitants of the Atlantic States, which results from the nature of their government. That species of hauteur which one class of society in some countries show in their intercourse with the other, is here utterly unknown. By their constitution, the existence of a privileged order, vested by birth with hereditary privileges, honours, or emoluments, is for ever interdicted. If, therefore, we should here expect to find that contemptuous feeling in man for man, we should naturally examine amongst those clothed with judicial or military authority; but we should search in vain. The justice on the bench, or the officer in the field, is respected and obeyed whilst discharging the functions of his office, as the representative or agent of the law, enacted for the *good of all;* but should he be tempted to treat even the least wealthy of his neighbours or fellow-citizens with contumely, he would soon find that he could not do it with impunity. Travellers from Europe, in passing through the western country, or indeed any part of the United States, ought to be previously acquainted with this part of the American character; and more particularly if they have been in the habit of

treating with contempt, or irritating with abuse, those whom accidental circumstances may have placed in a situation to administer to their wants. Let no one here indulge himself in abusing the waiter or ostler at an inn: that waiter or ostler is probably a citizen, and does not, nor cannot conceive, that a situation in which he discharges a duty to society, not in itself dishonourable, should subject him to insult: but this feeling, so far as I have experienced, is entirely defensive. I have travelled near 10,000 miles in the United States, and never met with the least incivility or affront.

'The Americans, in general, are accused by travellers of being inquisitive. If this be a crime, the western people are guilty; but, for my part, I must say that it is a practice that I never was disposed to complain of, because I always found them as ready to answer a question as to ask one, and therefore I always came off a gainer by this kind of barter; and if any traveller does not, it is his own fault. As this leads me to notice their general conduct to strangers, I feel myself bound, by gratitude and regard to truth, to speak of their hospitality. In my travels through the inhabited parts of the United States, not less than 2000 miles was through parts where there were no taverns, and where a traveller is under the necessity of appealing to the hospitality of the inhabitants. In no one instance has my appeal been fruitless; although, in many cases, the furnishing of a bed has been evidently attended with inconvenience, and in a great many instances no remuneration would be received. Other European travellers have experienced this liberal spirit of hospitality, and some have repaid it by calumny.' — (*Bradbury*, pp. 304—306.

We think it of so much importance to do justice to other nations, and to lessen that hatred and contempt which race feels for race, that we subjoin two short passages from Mr. Hall to the same effect.

'I had bills on Philadelphia, and applied to a respectable store-keeper, that is, tradesman, of the village, to cash me one: the amount, however, was beyond any remittance he had occasion to make, but he immediately offered me whatever sum I might require for my journey, with no better security than my word, for its repayment at Philadelphia: he even insisted on my taking more than I mentioned as sufficient. I do not believe this trait of liberality would surprise an American; for no one in the States, to whom I mentioned it, seemed to consider it as more than any stranger of respectable appearance might have

looked for, in similar circumstances: but it might well surpris an English traveller, who had been told, as I had, that the Americans never failed to cheat and insult every Englishman who travelled through their country, especially if they knew him to be an officer. This latter particular they never failed to inform themselves of, for they are by no means bashful in inquiries: but if the discovery operated in any way upon their behaviour, it was rather to my advantage; nor did I meet with a single instance of incivility betwixt Canada and Charleston, except at the Shenandoah Point, from a drunken English deserter. My testimony, in this particular, will certainly not invalidate the complaints of many other travellers, who, I doubt not, have frequently encountered rude treatment, and quite as frequently deserved it; but it will at least prove the possibility of traversing the United States without insult or interruption, and even of being occasionally surprised by liberality and kindness.'—(*Hall*, pp. 255, 256.)

'I fell into very pleasant society at Washington. Strangers who intend staying some days in a town usually take lodgings at a boarding-house, in preference to a tavern: in this way they obtain the best society the place affords; for there are always gentlemen, and frequently ladies, either visitors or temporary residents, who live in this manner to avoid the trouble of housekeeping. At Washington, during the sittings of Congress, the boarding-houses are divided into messes, according to the political principles of the inmates; nor is a stranger admitted without some introduction, and the consent of the whole company. I chanced to join a democratic mess, and name a few of its members with gratitude, for the pleasure their society gave me — Commodore Decatur and his lady, the Abbé Correa, the great botanist and plenipotentiary of Portugal, the Secretary of the Navy, the Secretary of the Navy Board, known as the author of a humorous publication entitled, "John Bull and Brother Jonathan," with eight or ten members of Congress, principally from the Western States, which are generally considered as most decidedly hostile to England, but whom I did not on this account find less good-humoured and courteous. It is from thus living in daily intercourse with the leading characters of the country that one is enabled to judge with some degree of certainty of the practices of its government; for to know the paper theory is nothing, unless it be compared with the instruments employed to carry it into effect. A political constitution may be nothing but a cabalistic form, to extract money and power from the people; but then the jugglers must be in the dark, and "no admittance behind the curtain." This way of living affords, too, the

best insight into the best part of society; for if in a free nation the depositaries of the public confidence be ignorant, or vulgar, it is a very fruitless search to look for the opposite qualities in those they represent; whereas, if these be well informed in mind and manners, it proves at the least an inclination towards knowledge and refinement in the general mass of citizens by whom they are selected. My own experience obliges me to a favourable verdict in this particular. I found the little circle into which I had happily fallen full of good sense and good humour, and never quitted it without feeling myself a gainer, on the score either of useful information or of social enjoyment.' — (*Hall*, pp. 329—331.)

In page 252. Mr. Hall pays some very handsome compliments to the gallantry, high feeling, and humanity of the American troops. Such passages reflect the highest honour upon Mr. Hall. They are full of courage as well as kindness; and will never be forgiven at home.

Literature the Americans have none—no native literature, we mean. It is all imported. They had a Franklin, indeed; and may afford to live for half a century on his fame. There is, or was, a Mr. Dwight, who wrote some poems; and his baptismal name was Timothy. There is also a small account of Virginia by Jefferson, and an epic by Joel Barlow: and some pieces of pleasantry by Mr. Irving. But why should the Americans write books, when a six weeks' passage brings them, in their own tongue, our sense, science, and genius, in bales and hogsheads? Prairies, steam-boats, grist-mills, are their natural objects for centuries to come. Then, when they have got to the Pacific Ocean — epic poems, plays, pleasures of memory, and all the elegant gratifications of an ancient people who have tamed the wild earth, and set down to amuse themselves. — This is the natural march of human affairs.

The Americans, at least in the old States, are a very religious people: but there is no sect there which enjoys the satisfaction of excluding others from civil offices; nor does any denomination of Christians take for their support a tenth of produce. Their clergy, however, are respectable, respected, and possess no small share of in-

fluence. The places of worship in Philadelphia in 1810 were as follows: — Presbyterian, 8; Episcopalian, 4; Methodists, 5; Catholic, 4; Baptist, 5; Quakers, 4; Fighting Quakers, 1; Lutheran, 3; Calvinist, 3; Jews, 2; Universalists, 1; Swedish Lutheran, 1; Moravian, 1; Congrelaticosualists, 1; Unitarians, 1; Covenanters, 1; Black Baptists, 1; Black Episcopalians, 1; Black Methodists, 2. The Methodists, Mr. Palmer tells us, are becoming the most numerous sect in the United States.

Mr. Fearon gives us this account of the state of religion at New York.

'Upon this interesting topic I would repeat, what indeed you are already acquainted with, that *legally* there is the most unlimited liberty. There is no state religion, and no government prosecution of individuals for conscience sake. Whether those halcyon days, which I think would attend a similar state of things in England, are in existence here, must be left for future observation. There are five Dutch Reformed churches; six Presbyterian; three Associated Reformed ditto; one Associated Presbyterian; one Reformed ditto; five Methodist; two ditto *for blacks;* one German Reformed; one Evangelical Lutheran; one Moravian; four Trinitarian Baptist; one Universalist; two Catholic; three Quaker; eight Episcopalian; one Jews' Synagogue: and to this I would add a small Meeting which is but little known, at which the priest is dispensed with, every member following what they call the apostolic plan of instructing each other, and "building one another up in their most holy faith." The Presbyterian and Episcopalian, or Church of England sects, take the precedence in numbers and in respectability. Their ministers receive from two to eight thousand dollars per annum. All the churches are well filled; they are the fashionable places for *display;* and the sermons and talents of the minister offer never-ending subjects of interest when social converse has been exhausted upon the bad conduct and inferior nature of *niggars* (negroes); the price of flour at Liverpool; the capture of the *Guerrière;* and the battle of New Orleans. The perfect equality of all sects seems to have deadened party feeling: controversy is but little known.' — (*Fearon*, pp. 45, 46.)

The absence of controversy, Mr. Fearon seems to imagine, has produced indifference; and he heaves a sigh to

the memory of departed oppression. 'Can it be possible (he asks) that the non-existence of religious oppression has lessened religious knowledge, and made men superstitiously dependent upon outward form, instead of internal purity?' To which question (a singular one from an enlightened man like Mr. Fearon) we answer, that the absence of religious oppression has not lessened religious knowledge, but theological animosity; and made men more dependent upon pious actions, and less upon useless and unintelligible wrangling.*

The great curse of America is the institution of Slavery — of itself far more than the foulest blot upon their national character, and an evil which counterbalances all the excisemen, licensers, and tax-gatherers of England. No virtuous man ought to trust his own character, or the character of his children, to the demoralising effects produced by commanding slaves. Justice, gentleness, pity, and humility, soon give way before them. Conscience suspends its functions. The love of command— the impatience of restraint, get the better of every other feeling; and cruelty has no other limit than fear.

'"There must doubtless," says Mr. Jefferson, "be an unhappy influence on the manners of the people produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions; the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this, and learn to imitate it; for man is an imitative animal. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives loose to the worst of passions; and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his morals and manners undepraved by such circumstances."'— Notes, p. 241.—(*Hall*, p. 459.)

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* Mr. Fearon mentions a religious lottery for building a Presbyterian church. What will Mr. Littleton say to this? he is hardly prepared, we suspect, for this union of Calvin and the Little Go. Every advantage will be made of it by the wit and eloquence of his fiscal opponent; — nor will it pass unheeded by Mr. Bish.

The following picture of a slave song is quoted by Mr. Hall from the "Letters on Virginia."

'"I took the boat this morning, and crossed the ferry over to Portsmouth, the small town which I told you is opposite to this place. It was court day, and a large crowd of people was gathered about the door of the court-house. I had hardly got upon the steps to look in, when my ears were assailed by the voice of singing; and turning round to discover from what quarter it came, I saw a group of about thirty negroes, of different sizes and ages, following a rough-looking white man, who sat carelessly lolling in his sulky. They had just turned round the corner, and were coming up the main street to pass by the spot where I stood, on their way out of town. As they came nearer, I saw some of them loaded with chains to prevent their escape; while others had hold of each other's hands, strongly grasped, as if to support themselves in their affliction. I particularly noticed a poor mother, with an infant sucking at her breast as she walked along, while two small children had hold of her apron on either side, almost running to keep up with the rest. They came along singing a little wild hymn, of sweet and mournful melody, flying, by a divine instinct of the heart, to the consolation of religion, the last refuge of the unhappy, to support them in their distress. The sulky now stopped before the tavern, at a little distance beyond the court-house, and the driver got out. "My dear Sir," said I to a person who stood near me, "can you tell me what these poor people have been doing?" "What is their crime? And what is to be their punishment?" "O," said he, "it's nothing at all, but a parcel of negroes sold to Carolina; and that man is their driver, who has bought them." "But what have they done, that they should be sold into banishment?" "Done," said he, "nothing at all, that I know of; their masters wanted money, I suppose, and these drivers give good prices." Here the driver, having supplied himself with brandy, and his horse with water (the poor negroes of course wanted nothing), stepped into his chair again, cracked his whip, and drove on, while the miserable exiles followed in funeral procession behind him."'—(*Hall*, pp. 358—360.)

The law by which slaves are governed in the Carolinas is a provincial law as old as 1740, but made perpetual in 1783. By this law it is enacted, that every negro shall be presumed a slave, unless the contrary appear. The 9th clause allows two justices of the peace,

and three freeholders, power to put them to any manner of death; the evidence against them may be without oath. — No slave is to traffic on his own account.—Any person murdering a slave is to pay 100*l.* — or 14*l.* if he cuts out the tongue of a slave. — Any white man meeting seven slaves together on a high road may give them twenty lashes each. — No man must teach a slave to write, under penalty of 100*l.* currency. We have Mr. Hall's authority for the existence and enforcement of this law at the present day. Mr. Fearon has recorded some facts still more instructive.

'Observing a great many coloured people, particularly females in these boats, I concluded that they were emigrants, who had proceeded thus far on their route towards a settlement. The fact proved to be, that fourteen of the flats were freighted with human beings for sale. They had been collected in the several States by slave dealers, and shipped from Kentucky for a market. They were dressed up to the best advantage, on the same principle that jockeys do horses upon sale. The following is a specimen of advertisements on this subject: —

'"TWENTY DOLLARS REWARD

Will be paid for apprehending and lodging in gaol, or delivering to the subscriber, the following slaves, belonging to JOSEPH IRVIN, of *Iberville*. — TOM, a very light Mulatto, blue eyes, 5 feet 10 inches high, appears to be about 35 years of age; an artful fellow — can read and write, and *preaches* occasionally. — CHARLOTTE, a black wench, round and full-faced, tall, straight, and likely — about 25 years of age, and wife of the above named Tom.— These slaves decamped from their owner's plantation on the night of the 14th September inst."'— (*Fearon*, p. 270.)

'The three "African churches," as they are called, are for all those native Americans who are black, or have any shade of colour darker than white. These persons, though many of them are possessed of the rights of citizenship, are not admitted into the churches which are visited by whites. There exists a penal law, deeply written in the *mind* of the whole white population, which subjects their coloured fellow-citizens to unconditional contumely and never-ceasing insult. No respectability, however unquestionable — no property, however large — no character, however unblemished, will gain a man, whose body is (in

American estimation) *cursed* with even a twentieth portion of the blood of his African ancestry, admission into society! ! ! They are considered as mere Pariahs—as outcasts and vagrants upon the face of the earth! I make no reflection upon these things, but leave the facts for your consideration."'— (*Fearon*, pp. 168, 169.)

That such feelings and such practices should exist among men who know the value of liberty, and profess to understand its principles, is the consummation of wickedness. Every American who loves his country should dedicate his whole life, and every faculty of his soul, to efface this foul stain from its character. If nations rank according to their wisdom and their virtue, what right has the American, a scourger and murderer of slaves, to compare himself with the least and lowest of the European nations ? — much more with this great and humane country, where the greatest lord dare not lay a finger upon the meanest peasant ? What is freedom, where all are not free ? where the greatest of God's blessings is limited, with impious caprice, to the colour of the body ? And these are the men who taunt the English with their corrupt Parliament, with their buying and selling votes. Let the world judge which is the most liable to censure — we who, in the midst of our rottenness, have torn off the manacles of slaves all over the world ; — or they who, with their idle purity, and useless perfection, have remained mute and careless, while groans echoed and whips clanked round the very walls of their spotless Congress. We wish well to America — we rejoice in her prosperity — and are delighted to resist the absurd impertinence with which the character of her people is often treated in this country : but the existence of slavery in America is an atrocious crime, with which no measures can be kept — for which her situation affords no sort of apology — which makes liberty itself distrusted, and the boast of it disgusting.

As for Emigration, every man, of course, must determine for himself. A carpenter under 30 years of age, who finds himself at Cincinnati with an axe over his shoulder, and ten pounds in his pocket, will get rich in

America if the change of climate does not kill him. So will a farmer who emigrates early with some capital. But any person with tolerable prosperity here had better remain where he is. There are considerable evils, no doubt, in England: but it would be madness not to admit, that it is, upon the whole, a very happy country, —and we are much mistaken if the next 20 years will not bring with it a great deal of internal improvement. The country has long been groaning under the evils of the greatest foreign war we were ever engaged in ; and we are just beginning to look again into our home affairs. Political economy has made an astonishing progress since they were last investigated; and every session of Parliament brushes off some of the cobwebs and dust of our ancestors.* The Apprentice Laws have been swept away; the absurd nonsense of the Usury Laws will probably soon follow; Public Education and Saving Banks have been the invention of these last ten years; and the strong fortress of Bigotry has been rudely assailed. Then, with all its defects, we have a Parliament of inestimable value. If there be a place in any country where 500 well educated men can meet together, and talk with impunity of public affairs, and if what they say is published, that country must improve. It is not pleasant to emigrate into a country of changes and revolution, the size and integrity of whose empire no man can predict. The Americans are a very sensible, reflecting people, and have conducted their affairs extremely well; but it is scarcely possible to conceive that such an empire should very long remain undivided, or that the dwellers on the Columbia should have common interest with the navigators of the Hudson and the Delaware.

England is, to be sure, a very expensive country; but

* In a scarcity which occurred little more than 20 years ago, every judge, (except the Lord Chancellor, then Justice of the Common Pleas, and Serjeant Remington,) when they charged the Grand Jury, attributed the scarcity to the combinations of the farmers; and complained of it as a very serious evil. Such doctrines would not now be tolerated in the mouth of a schoolboy.

a million of millions has been expended in making it habitable and comfortable; and this is a constant source of revenue, or, what is the same thing, a constant diminution of expense to every man living in it. The price an Englishman pays for a turnpike road is not equal to the tenth part of what the delay would cost him without a turnpike. The New River Company brings water to every inhabitant of London, at an infinitely less price than he could dip for it out of the Thames. No country, in fact, is so expensive as one which human beings are just beginning to inhabit;—where there are no roads, no bridges, no skill, no help, no combination of powers, and no force of capital.

How, too, can any man take upon himself to say, that he is so indifferent to his country that he will not begin to love it intensely, when he is 5000 or 6000 miles from it? And what a dreadful disease Nostalgia must be on the banks of the Missouri! Severe and painful poverty will drive us all any where: but a wise man should be quite sure he has so irresistible a plea before he ventures on the Great or the Little Wabash. He should be quite sure that he does not go there from ill temper—or to be pitied—or to be regretted—or from ignorance of what is to happen to him—or because he is a poet—but because he has not enough to eat here, and is sure of abundance where he is going.

GAME LAWS. (E. Review, 1819.)

Three Letters on the Game Laws. Rest Fenner, Black & Co. London, 1818.

The evil of the Game Laws, in their present state, has long been felt, and of late years has certainly rather increased than diminished. We believe that they cannot long remain in their present state ; and we are anxious to express our opinion of those changes which they ought to experience.

We thoroughly acquiesce in the importance of encouraging those field sports which are so congenial to the habits of Englishmen, and which, in the present state of society, afford the only effectual counterbalance to the allurements of great towns. We cannot conceive a more pernicious condition for a great nation, than that its aristocracy should be shut up from one year's end to another in a metropolis, while the mass of its rural inhabitants are left to the management of factors and agents. A great man returning from London to spend his summer in the country diffuses intelligence, improves manners, communicates pleasure, restrains the extreme violence of subordinate politicians, and makes the middling and lower classes better acquainted with, and more attached to their natural leaders. At the same time, a residence in the country gives to the makers of laws an opportunity of studying those interests which they may afterwards be called upon to protect and arrange. Nor is it unimportant to the character of the higher orders themselves, that they should pass a considerable part of the year in the midst of these their larger families ; that they should occasionally be thrown among simple, laborious, frugal people, and be stimulated to resist the prodigality of Courts, by viewing with their own eyes the merits and the wretchedness of the poor.

Laws for the preservation of Game are not only of importance, as they increase the amusements of the country, but they may be so constructed as to be perfectly just. The game which my land feeds is certainly mine; or, in other words, the game which all the land feeds certainly belongs to all the owners of the land: and the only practical way of dividing it is, to give to each proprietor what he can take on his own ground. Those who contribute nothing to the support of the animal, can have no possible right to a share in the distribution. To say of animals, that they are *feræ Naturâ* means only, that the precise place of their birth and nurture is not known. How they shall be divided, is a matter of arrangement among those whose collected property certainly has produced and fed them: but the case is completely made out against those who have no land at all, and who cannot therefore have been in the slightest degree instrumental to their production. If a large pond were divided by certain marks into four parts, and allotted to that number of proprietors, the fish contained in that pond would be, in the same sense, *feræ Naturâ*. Nobody could tell in which particular division each carp had been born and bred. The owners would arrange their respective rights and pretensions in the best way they could: but the clearest of all possible propositions would be, that the four proprietors, among them, made a complete title to all the fish; and that nobody but them had the smallest title to the smallest share. This we say, in answer to those who contend that there is no foundation for any system of Game Laws; that animals born wild are the property of the public; and that their appropriation is nothing but tyranny and usurpation.

In addition to these arguments, it is perhaps scarcely necessary to add, that nothing which is worth having, which is accessible, and supplied only in limited quantities, could exist at all, if it was not considered as the property of some individual. If every body might take game wherever they found it, there would soon be an end of every species of game. The advantage would

not be extended to fresh classes, but be annihilated for all classes. Besides all this, the privilege of killing game could not be granted, without the privilege of trespassing on landed property;—an intolerable evil, which would entirely destroy the comfort and privacy of a country life.

But though a system of Game Laws is of great use in promoting country amusements, and may, in itself, be placed on a footing of justice, its effects, we are sorry to say, are by no means favourable to the morals of the poor.

It is impossible to make an uneducated man understand in what manner a bird hatched, nobody knows where—to-day living in my field, to-morrow in yours—should be as strictly property as the goose whose whole history can be traced, in the most authentic and satisfactory manner, from the egg to the spit. The arguments upon which this depends are so contrary to the notions of the poor—so repugnant to their passions—and, perhaps, so much above their comprehension, that they are totally unavailing. The same man who would respect an orchard, a garden, or a hen-roost, scarcely thinks he is committing any fault at all in invading the game covers of his richer neighbour; and as soon as he becomes wearied of honest industry, his first resource is in plundering the rich magazine of hares, pheasants, and partridges—the top and bottom dishes, which on every side of his village are running and flying before his eyes. As these things cannot be done with safety in the day, they must be done in the night;—and in this manner a lawless marauder is often formed, who proceeds from one infringement of law and property to another, till he becomes a thoroughly bad and corrupted member of society.

These few preliminary observations lead naturally to the two principal considerations which are to be kept in view, in reforming the Game Laws;—to preserve, as far as is consistent with justice, the amusements of the rich, and to diminish, as much as possible, the temptations of

the poor. And these ends, it seems to us, will be best answered,

1. By abolishing qualifications. 2. By giving to every man a property in the game upon his land. 3. By allowing game to be bought by any body, and sold by its lawful possessors.*

Nothing can be more grossly absurd than the present state of the Game Laws, as far as they concern the qualification for shooting. In England, no man can possibly have a legal right to kill game, who has not 100*l.* a year in land rent. With us in Scotland, the rule is not quite so inflexible, though in principle not very different. —But we shall speak to the case which concerns by far the greatest number: and certainly it is scarcely possible to imagine a more absurd and capricious limitation. For what possible reason is a man, who has only 90*l.* per annum in land, not to kill the game which his own land nourishes? If the Legislature really conceives, as we have heard surmised by certain learned squires that a person of such a degree of fortune should be confined to profitable pursuits, and debarred from that pernicious idleness into which he would be betrayed by field sports, it would then be expedient to make a qualification for bowls or skittles—to prevent small landowners from going to races, or following a pack of hounds—and to prohibit to men of a certain income, every other species of amusement as well as this. The only instance, however, in which this paternal care is exercised, is that in which the amusement of the smaller landowner is supposed to interfere with those of his richer neighbour. He may do what he pleases, and elect any other species of ruinous idleness but that in which the upper classes of society are his rivals.

Nay, the law is so excessively ridiculous in the case of small landed proprietors, that on a property of less than 100*l.* per annum, *no human being* has the right of shooting. It is not confined, but annihilated. The lord of

* All this has since been done.

the manor may be warned off by the proprietor; and the proprietor may be informed against by any body who sees him sporting. The case is still stronger in the instance of large farms. In Northumberland, and on the borders of Scotland, there are large capitalists, who farm to the amount of two or three thousand per annum, who have the permission of their distant non-resident landlords to do what they please with the game, and yet who dare not fire off a gun upon their own land. Can any thing be more utterly absurd and preposterous, than that the landlord and the wealthy tenant *together* cannot make up a title to the hare which is fattened upon the choicest produce of their land? That the landlord, who can let to farm the fertility of the land for growing wheat cannot let to farm its power of growing partridges? That he may reap by deputy, but cannot on that manor shoot by deputy? Is it possible that any respectable magistrate could fine a farmer for killing a hare upon his own grounds with his landlord's consent, without feeling that he was violating every feeling of common sense and justice?

Since the enactment of the Game Laws, there has sprung up an entirely new species of property, which of course is completely overlooked by their provisions. An Englishman may possess a million of money in funds, or merchandise — may be the *Baring* or the *Hope* of Europe — provide to Government the sudden means of equipping fleets and armies, and yet be without the power of smiting a single partridge, though invited by the owner of the game to participate in his amusement. It is idle to say that the difficulty may be got over, by purchasing land: the question is, upon what principle of justice can the existence of the difficulty be defended? If the right of keeping men-servants were confined to persons who had more than 100*l.* a year in the funds, the difficulty might be got over by every man who could change his landed property to that extent. But what could justify so capricious a partiality to one species of property? There might be some apology for such laws at the time they were made: but there can be none for their not being

now accommodated to the changes which time has introduced. If you choose to exclude poverty from this species of amusement, and to open it to wealth, why is it not opened to every species of wealth? What amusement can there be morally lawful to a holder of turnip land, and criminal in a possessor of Exchequer bills? What delights ought to be tolerated to Long Annuities, from which wheat and beans should be excluded? What matters it whether it is scrip or short-horned cattle? If the *locus quo* is conceded—if the trespass is waived—and if the qualification for any amusement is wealth, let it be any proveable wealth—

Dives agris, dives positis in fœnore nummis.

It will be very easy for any country gentleman who wishes to monopolise to himself the pleasures of shooting, to let to his tenant every other right attached to the land, except the right of killing game; and it will be equally easy, in the formation of a new Game Act, to give to the landlord a summary process against his tenant, if such tenant fraudulently exercise the privileges he has agreed to surrender.

The case which seems most to alarm country gentlemen, is that of a person possessing a few acres in the heart of a manor, who might, by planting food of which they are fond, allure the game into his own little domain, and thus reap a harvest prepared at the expense of the neighbour who surrounded him. But, under the present Game Laws, if the smaller possession belong to a qualified person, the danger of intrusion is equally great as it would be under the proposed alteration; and the danger from the poacher would be the same in both cases. But if it be of such great consequence to keep clear from all interference, may not such a piece of land be rented or bought? Or, may not the food which tempts game be sown in the same abundance in the surrounding as in the enclosed land? After all, it is only common justice, that he whose property is surrounded on every side by a preserver of game,—whose corn and turnips are demolished by animals preserved for the amusement of his

neighbour should himself be entitled to that share of game which plunders upon his land. The complaint which the landed grandee makes is this. 'Here is a man who has only a twenty-fourth part of the land, and he expects a twenty-fourth part of the game. He is so captious and litigious, that he will not be contented to supply his share of the food, without requiring his share of what the food produces. I want a neighbour who has talents only for suffering, not one who evinces such a fatal disposition for enjoying.' Upon such principles as these, many of the Game Laws have been constructed, and are preserved. The interference of a very small property with a very large one; the critical position of one or two fields, is a very serious source of vexation on many other occasions besides those of game. He who possesses a field in the middle of my premises may build so as to obstruct my view, and may present to me the hinder parts of a barn, instead of one of the finest landscapes in nature. Nay, he may turn his fields into tea-gardens, and destroy my privacy by the introduction of every species of vulgar company. The Legislature, in all these instances, has provided no remedy for the inconveniences which a small property, by such intermixture, may inflict upon a large one, but has secured the same rights to unequal proportions. It is very difficult to conceive why these equitable principles are to be violated in the case of game alone.

Our securities against that rabble of sportsmen which the abolition of qualifications might be supposed to produce, are, the consent of the owner of the soil as an indispensable preliminary, guarded by heavy penalties—and the price of a certificate, rendered perhaps greater than it is at present. It is impossible to conceive why the owner of the soil, if the right of game be secured to him, has not a right to sell, or grant the right of killing it to whom he pleases—just as much as he has the power of appointing whom he pleases to kill his ducks, pigeons, and chickens. The danger of making the poor idle, is a mere pretence. It is monopoly calling in the aid of hypocrisy, and tyranny veiling itself in the garb of philo-

sophical humanity. A poor man goes to wakes, fairs, and horse-races, without pain and penalty; a little shopkeeper, when his work is over, may go to a bull-bait, or to the cock-pit; but the idea of his pursuing a hare, even with the consent of the landowner, fills the Bucolic Senator with the most lively apprehensions of relaxed industry, and ruinous dissipation. — The truth is, if a poor man does not offend against morals or religion, and supports himself and his family without assistance, the law has nothing to do with his amusements. The real barriers against increase of sportsmen (if the proposed alteration were admitted) are, as we have before said, the prohibition of the landowner; the tax to the State for a certificate; the necessity of labouring for support.—Whoever violates none of these rights, and neglects none of these duties in his sporting, sports without crime; — and to punish him would be gross and scandalous tyranny.

The next alteration which we would propose is, that game should be made property; that is, that every man should have a right to the game found upon his land — and that the violation of it should be punished as poaching now is, by pecuniary penalties, and summary conviction before magistrates. This change in the Game Laws would be an additional defence of game; for the landed proprietor has now no other remedy against the qualified intruder upon his game, than an action at law for a trespass on the land; and if the trespasser have received no notice, this can hardly be called any remedy at all. It is now no uncommon practice for persons who have the exterior, and perhaps the fortunes of gentlemen, as they are travelling from place to place, to shoot over manors where they have no property, and from which, as strangers, they cannot have been warned. In such case (which, we repeat again, is by no means one of rare occurrence), it would, under the reformed system, be no more difficult for the lord of the soil to protect his game, than it would be to protect his geese and ducks. But though game should be considered as property, it should still be considered as the lowest species of property — because it is in its nature more vague and mutable than any other species of property, and because

depredations upon it are carried on at a distance from the dwelling, and without personal alarm to the proprietors. It would be very easy to increase the penalties, in proportion to the number of offences committed by the same individual.

The punishments which country gentlemen expect by making game property, are the punishments affixed to offences of a much higher order; but country gentlemen must not be allowed to legislate exclusively on this, more than on any other subject. The very mention of hares and partridges in the country, too often puts an end to common humanity and common sense. Game must be protected; but protected without violating those principles of justice, and that adaptation of punishment to crime, which (incredible as it may appear) are of infinitely greater importance than the amusements of country gentlemen.

We come now to the sale of game. — The foundation on which the propriety of allowing this partly rests, is the impossibility of preventing it. There exists, and has sprung up since the Game Laws, an enormous mass of wealth, which has nothing to do with land. Do the country gentlemen imagine, that it is in the power of human laws to deprive the Three-per-cents of pheasants? — that there is upon earth, air, or sea, a single flavour (cost what crime it may to procure it), that mercantile opulence will not procure? Increase the difficulty, and you enlist vanity on the side of luxury; and make that be sought for as a display of wealth, which was before valued only for the gratification of appetite. The law may multiply penalties by reams. Squires may fret and justices commit, and gamekeepers and poachers continue their nocturnal wars. There must be game on Lord Mayor's day, do what you will. You may multiply the crimes by which it is procured; but nothing can arrest its inevitable progress from the wood of the esquire to the spit of the citizen. The late law for preventing the sale of game produced some little temporary difficulty in London at the beginning of the season. The poulterers were alarmed, and came to some resolutions. But the alarm soon began to subside, and the difficulties to vanish.

In another season, the law will be entirely nugatory and forgotten. The experiment was tried of increased severity; and a law passed to punish poachers with transportation who were caught poaching in the night-time with arms. What has the consequence been? — Not a cessation of poaching, but a succession of village guerillas; — an internecive war between the gamekeepers and marauders of game; — the whole country flung into brawls and convulsions, for the unjust and exorbitant pleasures of country gentlemen. The poacher hardly believes he is doing any wrong in taking partridges and pheasants. He would admit the justice of being transported for stealing sheep; and his courage in such a transaction would be impaired by a consciousness he was doing wrong: but he has no such feeling in taking game; and the preposterous punishment of transportation makes him desperate, and not timid. Single poachers are gathered into large companies, for their mutual protection; and go out, not only with the intention of taking game, but of defending that they take with their lives. Such feelings soon produce a rivalry of personal courage, and a thirst of revenge between the villagers and the agents of power. We extract the following passages on this subject from the Three Letters on the Game Laws: —

'The first and most palpable effect has naturally been, an exaltation of all the savage and desperate features in the poacher's character. The war between him and the gamekeeper has necessarily become a *bellum internecivum*. A marauder may hesitate perhaps at killing his fellow-man, when the alternative is only six months' imprisonment in the county gaol; but when the alternative is to overcome the keeper, or to be torn from his family and connections, and sent to hard labour at the Antipodes, we cannot be much surprised that murders and midnight combats have considerably increased this season; or that information such as the following has frequently enriched the columns of the country newspapers.

'"POACHING. — Richard Barnett was on Tuesday convicted before T. Clutterbuck, Esq., of keeping and using engines or wires for the destruction of game in the parish of Dunkerton, and fined 5*l*. He was taken into custody by C. Coates, keeper to Sir Charles Bamfylde, Bart., who found upon him 17 wire-

snares. The new act that has just passed against these illegal practices, seems only to have irritated the offenders, and made them more daring and desperate. The following is a copy of an anonymous circular letter, which has been received by several magistrates, and other eminent characters in this neighbourhood.

"TAKE NOTICE.—We have lately heard and seen that there is an act passed, and whatever poacher is caught destroying the game, is to be transported for seven years.—*This is English Liberty!*

"Now, we do swear to each other, that the first of our company that this law is inflicted on, that there shall not one gentleman's seat in our country escape the rage of fire. We are nine in number, and we will burn every gentleman's house of note. The first that impeaches shall be shot. We have sworn not to impeach. You may think it a threat, but they will find it reality. The Game Laws were too severe before. The Lord of all men sent these animals for the peasants as well as for the prince. God will not let his people be oppressed. He will assist us in our undertaking, and we will execute it with caution."—(*Bath Paper.*)

"DEATH OF A POACHER.—On the evening of Saturday se'ennight, about eight or nine o'clock, a body of poachers, seven in number, assembled by mutual agreement on the estate of the Hon. John Dutton at Sherborne, Gloucestershire, for the purpose of taking hares and other game. With the assistance of two dogs, and some nets and snares which they brought with them, they had succeeded in catching nine hares, and were carrying them away, when they were discovered by the gamekeeper and seven others who were engaged with him in patroling the different covers, in order to protect the game from nightly depredators. Immediately on perceiving the poachers, the keeper summoned them in a civil and peaceable manner to give up their names, the dogs, implements, &c. they had with them, and the game they had taken; at the same time assuring them, that his party had fire-arms (which were produced for the purpose of convincing and alarming them), and representing to them the folly of resistance, as, in the event of an affray, they must inevitably be overpowered by superior numbers, even without fire-arms, which they were determined not to resort to unless compelled in self-defence. Notwithstanding this remonstrance of the keeper, the men unanimously refused to give up on any terms, declaring, that if they were followed, they would give them a "brush," and would repel force by force. The poachers then directly took off their great-coats, threw them down with the game, &c. behind them, and approached the keepers in an

attitude of attack. A smart contest instantly ensued, both parties using only the sticks or bludgeons they carried; and such was the confusion during the battle, that some of the keepers were occasionally struck by their own comrades in mistake for their opponents. After they had fought in this manner about eight or ten minutes, one of the poachers, named Robert Simmons, received a violent blow upon his left temple, which felled him to the ground, where he lay, crying out murder, and asking for mercy. The keepers very humanely desired that all violence might cease on both sides: upon which three of the poachers took to flight and escaped, and the remaining three, together with Simmons, were secured by the keepers. Simmons, by the assistance of the other men, walked to the keeper's house where he was placed in a chair; but he soon after died. His death was no doubt caused by the pressure of blood upon the brain, occasioned by the rupture of a vessel from the blow he had received. The three poachers who had been taken were committed to Northleach prison. The inquest upon the body of Simmons was taken on Monday, before W. Trigge, gent., Coroner; and the above account is extracted from the evidence given upon that occasion. The poachers were all armed with bludgeons, except the deceased, who had provided himself with the thick part of a flail, made of firm knotted crab-tree, and pointed at the extremity, in order to thrust with, if occasion required. The deceased was an athletic, muscular man, very active, and about twenty-eight years of age. He resided at Bowle, in Oxfordshire, and has left a wife, but no child. The three prisoners were heard in evidence; and all concurred in stating that the keepers were in no way blameable, and attributed their disaster to their own indiscretion and imprudence. Several of the keepers' party were so much beat as to be now confined to their beds. The two parties are said to be total strangers to each other, consequently no malice prepense could have existed between them; and as it appeared to the Jury, after a most minute and deliberate investigation, that the confusion during the affray was so great, that the deceased was as likely to be struck by one of his own party as by the keepers', they returned a verdict of—*Manslaughter* against some person or persons unknown."

'Wretched as the first of these productions is, I think it can scarcely be denied, that both its spirit and its probable consequences are wholly to be ascribed to the exasperation naturally consequent upon the severe enactment just alluded to. And the last case is at least a strong proof that severity of enactment is quite inadequate to correct the evil.'—(p. 356—359).

Poaching will exist in some degree, let the laws be what they may; but the most certain method of checking the poacher seems to be by underselling him. If game can be lawfully sold, the quantity sent to market will be increased, the price lowered, and, with that, the profits and temptations of the poacher. Not only would the prices of the poacher be lowered, but we much doubt if he would find any sale at all. Licences to sell game might be confined to real poulterers, and real occupiers of a certain portion of land. It might be rendered penal to purchase it from any but licenced persons; and in this way the facility of the lawful, and the danger of the unlawful trade, would either annihilate the poacher's trade or reduce his prices so much, that it would be hardly worth his while to carry it on. What poulterer in London, or in any of the large towns, would deal with poachers, and expose himself to indictment for receiving stolen goods, when he might supply his customers at fair prices by dealing with the lawful proprietor of game? Opinion is of more power than law. Such conduct would soon become infamous; and every respectable tradesman would be shamed out of it. The consumer himself would rather buy his game of a poulterer at an increase of price, than pick it up clandestinely, and at a great risk, though a somewhat smaller price, from porters and booth-keepers. Give them a chance of getting it fairly, and they will not get it unfairly. At present, no one has the slightest shame at violating a law which every body feels to be absurd and unjust.

Poultry-houses are sometimes robbed;—but stolen poultry is rarely offered to sale; — at least, nobody pretends that the shops of poulterers, and the tables of monied gentlemen, are supplied by these means. Out of one hundred geese that are consumed at Michaelmas, ninety-nine come in to the jaws of the consumer by honest means; — and yet, if it had pleased the country gentlemen to have Goose Laws as well as Game Laws; — if goose-keepers had been appointed, and the sale and purchase of this savoury bird prohibited, the same enjoyments would have been procured by the crimes and convictions of the poor; and the periodical gluttony of

Michaelmas have been rendered as guilty and criminal, as it is indigestible and unwholesome. Upon this subject we shall quote a passage from the very sensible and spirited Letters before us: —

'In favourable situations, game would be reared and preserved for the express purpose of regularly supplying the market in fair and open competition; which would so reduce its price, that I see no reason why a partridge should be dearer than a rabbit, or a hare and pheasant than a duck or goose. This is about the proportion of price which the animals bear to each other in France, where game can be legally sold, and is regularly brought to market; and where, by the way, game is as plentiful as in any cultivated country in Europe. The price so reduced would never be enough to compensate the risk and penalties of the unlawful poacher, who must therefore be driven out of the market. Doubtless the great poulterers of London and the commercial towns, who are the *principal instigators of poaching*, would cease to have any temptation to continue so, as they could fairly and lawfully procure game for their customers, at a cheaper rate from the regular breeders. They would, as they now do for rabits and wild-fowl, contract with persons to rear and preserve them for the regular supply of their shops, which would be a much more commodious and satisfactory, and less hazardous way for them, than the irregular and dishonest and corrupting methods now pursued. It is not saying very much in favour of human nature to assert, that men in respectable stations of society had rather procure the *same ends* by honest than dishonest means. Thus would all the temptations to offend against the Game Laws, arising from the change of society, together with the long chain of moral and political mischiefs, at once disappear.

'But then, in order to secure a sufficient breed of game for the supply of the market, in fair and open competition, it will be necessary to authorise a certain number of persons, likely to breed game for sale, to take and dispose of it when reared at their expense. For this purpose, I would suggest the propriety of permitting by law, occupiers of land to take and kill game, for sale or otherwise, on their *own occupations only*, unless (if tenants) they are specifically prohibited by agreement with their landlord; reserving the game and the power of taking it to himself (as is now frequently done in leases). This permission should not, of course, operate during the current leases, unless by agreement. With this precaution, nothing could be fairer than such an enactment; for it is certainly at the expense of the *occupier* that the game is raised and maintained: and unless

he receive an equivalent for it, either by abatement of rent upon agreement, or by permission to take and dispose of it, he is certainly an injured man; whereas it is perfectly just that the owner of the land should have the option either to increase his rent by leaving the disposal of his game to his tenant, or *vice versâ*. Game would be held to be (as in fact it is) an *outgoing* from the land, like tithe and other burdens, and therefore to be considered in a bargain; and land would either be let *game-free*, or a special reservation of it made by agreement.

'Moreover, since the breed of game must always depend upon the occupier of the land, who may, and frequently does, destroy every head of it, or prevent its coming to maturity, unless it is considered in his rent; the licence for which I am now contending, by affording an inducement to preserve the breed in particular spots, would evidently have a considerable effect in increasing the stock of game in other parts, and in the country at large. There would be introduced a general system of protection, depending upon individual interest, instead of a general system of destruction. I have, therefore, very little doubt that the provision here recommended would, upon the whole, add facilities to the amusements of the sportsman, rather than subtract from them. A sportsman without land might also hire from the occupier of a large tract of land the privilege of shooting over it, which would answer to the latter as well as sending his game to the market. In short, he might in various ways get a fair return, to which he is well entitled for the expense and trouble incurred in rearing and preserving that particular species of stock upon his land.'—(p. 337—339.)

There are sometimes 400 or 500 head of game killed in great manors on a single day. We think it highly probable the greater part of this harvest (if the Game Laws were altered) would go to the poulterer, to purchase poultry or fish for the ensuing London season. Nobody is so poor and so distressed as men of very large fortunes, who are fond of making an unwise display to the world; and if they had recourse to these means of supplying game, it is impossible to suppose that the occupation of the poacher could be continued. — The smuggler can compete with the spirit-merchant, on account of the great duty imposed by the revenue; but where there is no duty to be saved, the mere thief—the man who brings the article to market with a halter round his neck—the man of whom it is disreputable

and penal to buy,—who hazards life, liberty, and property to procure the articles which he sells; such an adventurer can never be long the rival of him who honestly and fairly produces the articles in which he deals.—Fines, imprisonments, concealment, loss of character, are great deductions from the profits of any trade to which they attach, and great discouragements to its pursuit.

It is not the custom at present for gentlemen to sell their game; but the custom would soon begin, and public opinion soon change. It is not unusual for men of fortune to contract with their gardeners to supply their own table, and to send the residue to market, or to sell their venison; and the same thing might be done with the manor. If game could be bought, it would not be sent in presents:—barn-door fowls are never so sent, precisely for this reason.

The price of game would, under the system of laws of which we are speaking, be further lowered by the introduction of foreign game, the sale of which, at present prohibited, would tend very much to the preservation of English game by underselling the poacher. It would not be just, if it were possible, to confine any of the valuable productions of nature to the use of one class of men, and to prevent them from becoming the subject of barter, when the proprietor wished so to exchange them. It would be just as reasonable that the consumption of salmon should be confined to the proprietors of that sort of fishery—that the use of char should be limited to the inhabitants of the lakes—that maritime Englishmen should alone eat oysters and lobsters, as that every other class of the community than landowners should be prohibited from the acquisition of game.

It will be necessary, whenever the Game Laws are revised, that some of the worst punishments now inflicted for an infringement of these laws should be repealed.—To transport a man for seven years on account of partridges, and to harass a poor wretched peasant in the Crown Office, are very preposterous punishments for such offences. Humanity revolts against them—they

are grossly tyrannical—and it is disgraceful that they should be suffered to remain on our statute books. But the most singular of all abuses, is the new class of punishments which the Squirarchy have themselves enacted against depredations on game. The law says, that an unqualified man who kills a pheasant shall pay five pounds; but the squire says he shall be shot;—and accordingly he places a spring-gun in the path of the poacher, and does all he can to take away his life. The more humane and mitigated squire mangles him with traps; and the supra-fine country gentleman only detains him in machines, which prevent his escape, but do not lacerate their captive. Of the gross illegality of such proceedings, there can be no reasonable doubt. Their immorality and cruelty are equally clear. If they are not put down by some declaratory law, it will be absolutely necessary that the Judges, in their invaluable circuits of oyer and terminer, should leave two or three of his Majesty's squires to a fate too vulgar and indelicate to be alluded to in this Journal.

Men have certainly a clear right to defend their property; but then it must be by such means as the law allows:—their houses by pistols, their fields by actions for trespass, their game by information. There is an end of law, if every man is to measure out his punishment for his own wrong. Nor are we able to distinguish between the guilt of two persons,—the one of whom deliberately shoots a man whom he sees in his fields—the other of whom purposely places such instruments as he knows will shoot trespassers upon his fields: better that it should be lawful to kill a trespasser face to face, than to place engines which will kill him. The trespasser may be a child—a woman—a son, or friend:—The spring-gun cannot accommodate itself to circumstances,—the squire or the gamekeeper may.

These, then, are our opinions respecting the alterations in the Game Laws, which, as they now stand, are perhaps the only system which could possibly render the possession of game so very insecure as it now is. We would give to every man an absolute property in

the game upon his land, with full power to kill — to permit others to kill — and to sell; — we would punish any violation of that property by summary conviction, and pecuniary penalties — rising in value according to the number of offences. This would of course abolish all qualifications; and we sincerely believe it would lessen the profits of selling game illegally, so as very materially to lessen the number of poachers. It would make game, as an article of food, accessible to all classes, without infringing the laws. It would limit the amusements of country gentlemen within the boundaries of justice — and would enable the magistrate cheerfully and conscientiously to execute laws, of the moderation and justice of which he must be thoroughly convinced. To this conclusion, too, we have no doubt we shall come at the last. After many years of scutigeral folly — loaded prisons* — nightly battles — poachers tempted — and families ruined, these principles will finally prevail, and make law once more coincident with reason and justice.

* In the course of the last year, no fewer than *twelve hundred* persons were committed for offences against the Game; besides those who ran away from their families from the fear of commitment. This is no slight quantity of misery.

BOTANY BAY. (E. Review, 1819.)

1. *A Statistical, Historical, and Political Description of the Colony of New South Wales, and its dependent Settlements in Van Diemen's Land: with a particular Enumeration of the Advantages which these Colonies offer for Emigration, and their Superiority in many respects over those possessed by the United States of America.* By W. C. Wentworth, Esq., a Native of the Colony. Whittaker. London, 1819.

2. *Letter to Viscount Sidmouth, Secretary of State for the Home Department, on the Transportation Laws, the State of the Hulks, and of the Colonies in New South Wales.* By the Hon. Henry Grey Bennet, M.P. Ridgway. London. 1819.

3. O'Hara's *History of New South Wales.* Hatchard. London, 1818.

This land of convicts and kangaroos is beginning to rise into a very fine and flourishing settlement:— And great indeed must be the natural resources, and splendid the endowments of that land that has been able to survive the system of neglect* and oppression experienced from the mother country, and the series of ignorant and absurd governors that have been selected for the administration of its affairs. But mankind live and flourish not only in spite of storms and tempests, but (which could not have been anticipated previous to experience) in spite of colonial secretaries expressly paid to watch over their interests. The supineness and profligacy of public officers cannot always overcome the amazing energy with which human beings pursue their happiness,

* One, and no small excuse for the misconduct of colonial secretaries, is the enormous quantity of business by which they are distracted. There should be two or three colonial secretaries instead of one: the office is dreadfully overweighted. The government of the colonies is commonly a series of blunders.

nor the sagacity with which they determine on the means by which that end is to be promoted. Be it our care, however, to record, for the future inhabitants of Australasia, the political sufferings of their larcenous forefathers; and let them appreciate, as they ought, that energy which founded a mighty empire in spite of the afflicting blunders and marvellous cacœconomy of their government.

Botany Bay is situated in a fine climate, rather Asiatic than European, — with a great variety of temperature, — but favourable on the whole to health and life. It, conjointly with Van Diemen's Land, produces coal in great abundance, fossil salt, slate, lime, plumbago, potter's clay; iron; white, yellow, and brilliant topazes; alum and copper. These are all the important fossil productions which have been hitherto discovered: but the epidermis of the country has hardly as yet been scratched; and it is most probable that the immense mountains which divide the eastern and western settlements, Bathurst and Sydney, must abound with every species of mineral wealth. The harbours are admirable; and the whole world, perhaps, cannot produce two such as those of Port Jackson and Derwent. The former of these is land-locked for fourteen miles in length, and of the most irregular form: its soundings are more than sufficient for the largest ships; and all the navies of the world might ride in safety within it. In the harbour of Derwent there is a roadstead forty-eight miles in length, completely land-locked; varying in breadth from eight to two miles; — in depth from thirty to four fathoms, — and affording the best anchorage the whole way.

The mean heat, during the three summer months, December, January, and February, is about 80° at noon. The heat which such a degree of the thermometer would seem to indicate, is considerably tempered by the sea-breeze, which blows with considerable force from nine in the morning till seven in the evening. The three autumn months are March, April, and May, in which

the thermometer varies from 55° at night to 75° at noon. The three winter months are June, July, and August. During this interval, the mornings and evenings are very chilly, and the nights excessively cold; hoar-frosts are frequent; ice, half an inch thick, is found twenty miles from the coast; the mean temperature, at daylight is from 40° to 45°, and at noon from 55° to 60°. In the three months of spring, the thermometer varies from 60° to 70°. The climate to the westward of the mountains is colder. Heavy falls of snow take place during the winter; the frosts are more severe, and the winters of longer duration. All the seasons are much more distinctly marked, and resemble much more those of this country.

Such is the climate of Botany Bay; and, in this remote part of the earth, Nature (having made horses, oxen, ducks, geese, oaks, elms, and all regular and useful productions for the rest of the world,) seems determined to have a bit of play, and to amuse herself as she pleases. Accordingly, she makes cherries with the stone on the outside; and a monstrous animal, as tall as a grenadier, with the head of a rabbit, a tail as big as a bed-post, hopping along at the rate of five hops to a mile, with three or four young kangaroos looking out of its false uterus, to see what is passing. Then comes a quadruped as big as a large cat, with the eyes, colour, and skin of a mole, and the bill and web-feet of a duck — puzzling Dr. Shaw, and rendering the latter half of his life miserable, from his utter inability to determine whether it was a bird or a beast. Add to this a parrot, with the legs of a sea-gull; a skate with the head of a shark; and a bird of such monstrous dimensions, that a side-bone of it will dine three real carnivorous Englishmen; — together with many other productions that agitate Sir Joseph, and fill him with mingled emotions of distress and delight.

The colony has made the following progress: —

	Stock in 1788.		Stock in 1817.	
Horned Cattle - - -	5	Do. -	44,753
Horses - - -	7	Do. -	3,072
Sheep - - -	29	Do. -	170,920
Hogs - - -	74	Do. -	17,842
Land in cultivation - -	0 acres.	Do. -	47,564
Inhabitants - -	1000	Do. -	29,379

The colony has a bank, with a capital of 20,000*l.*; a newspaper; and a capital (the town of Sydney) containing about 7000 persons. There is also a Van Diemen's Land Gazette. The perusal of these newspapers, which are regularly transmitted to England, and may be purchased in London, has afforded us considerable amusement. Nothing can paint in a more lively manner the state of the settlement, its disadvantages, and prosperities, and the opinions and manners which prevail there.

'On Friday, Mr. James Squires, settler and brewer, waited on his Excellency at Government House, with two vines of hops taken from his own grounds, &c. — As a public recompence for the unremitted attention shown by the grower in bringing this valuable plant to such a high degree of perfection, his Excellency has directed a cow to be given to Mr. Squires from the Government herd.' — (*O'Hara*, p. 255.)

'*To Parents and Guardians.*

'A person who flatters herself her character will bear the strictest scrutiny, being desirous of receiving into her charge a proposed number of children of her own sex, as boarders, respectfully acquaints parents and guardians that she is about to situate herself either in Sydney or Paramatta, of which notice will be shortly given. She doubts not, at the same time, that her assiduity in the inculcation of moral principles in the youthful mind, joined to an unremitting attention and polite diction, will ensure to her the much-desired confidence of those who may think proper to favour her with such a charge. Inquiries on the above subject will be answered by G. Howe, at Sydney, who will make known the name of the advertiser. — (p. 270.)

'*Lost,*

'(supposed to be on the governor's wharf,) two small keys, a tortoise-shell comb, and a packet of papers. Whoever may

have found them will, on delivering them to the printer, receive a reward of half a gallon of spirits.'—(p. 272.)

'*To the Public.*

'As we have no certainty of an immediate supply of paper, we cannot promise a publication next week.'—(p. 290.)

Fashionable Intelligence, Sept. 7th.

'On Tuesday his Excellency the late Governor and Mrs. King, arrived in town from Paramatta; and yesterday Mrs. King returned thither, accompanied by Mrs. Putland.'—(*Ibid.*)

'*To be sold by Private Contract, by Mr. Bevan,*

'An elegant four-wheeled chariot, with plated mounted harness for four horses complete; and a handsome lady's side-saddle and bridle. May be viewed on application to Mr. Bevan.'—(p. 347.)

'*From the Derwent Star.*

'Lieutenant Lord, of the Royal Marines, who, after the death of Lieutenant-Governor Collins, succeeded to the command of the settlement at Hobart Town, arrived at Port Jackson in the Hunter, and favours us with the perusal of the Ninth Number published of the *Derwent Star and Van Diemen's Land Intelligencer;* from which we copy the following extracts.'—(p. 353.)

'*A Card.*

'The Subscribers to the Sydney Race Course are informed, that the Stewards have made arrangements for two balls during the race week, viz. on Tuesday and Thursday.—Tickets, at 7*s.* 6*d.* each, to be had at Mr. E. Wills's George Street.—An ordinary for the subscribers and their friends each day of the races, at Mr. Wills's.—Dinner on table at five o'clock.'—(p. 356.)

'*The Ladies' Cup.*

'The ladies' cup, which was of very superior workmanship, won by Chase, was presented to Captain Richie by Mrs. M'Quarie; who, accompanied by his Excellency, honoured each day's race with her presence, and who, with her usual affability, was pleased to preface the donation with the following short address:—In the name of the Ladies of New South

Wales, I have the pleasure to present you with this cup. Give me leave to congratulate you on being the successful candidate for it; and to hope that it is a prelude to future success, and lasting prosperity."'—(p. 357.)

'*Butchers.*

'Now killing, at Matthew Pimpton's, Cumberland Street, Rocks, beef, mutton, pork, and lamb. By retail, 1*s.* 4*d.* per lib. Mutton by the carcass, 1*s.* per lib. sterling, or 14*d.* currency; warranted to weigh from 10 lib. to 12 lib. per quarter. Lamb per ditto. — Captains of ships supplied at the wholesale price, and with punctuality. — *N. B.* Beef, pork, mutton, and lamb, at E. Lambs's, Hunter Street, at the above prices.'—(p. 376.)

'*Salt Pork and Flair from Otaheite.*

'On Sale, at the warehouse of Mrs. S. Willis, 96, George Street, a large quantity of the above articles, well cured, being the Mercury's last importation from Otaheite. The terms per cask are 10*d.* per lib. sterling, or 1*s.* currency. — *N. B.* For the accommodation of families, it will be sold in quantities not less than 112 lib.'—(p. 377.)

'*Painting. — A Card.*

'Mr. J. W. Lewin begs leave to inform his friends and the public in general, that he intends opening an academy for painting on the days of Monday, Wednesday, and Friday, from the hours of 10 to 12 in the forenoon. — Terms, 5*s.* a lesson: Entrance 20*s.* — *N.B.* The evening academy for drawing continued as usual. — (p. 384.)

'*Sale of Rams.*

'Ten rams of the Merino breed, lately sold by auction from the flocks of John M'Arthur, Esq., produced upwards of 200 guineas.'—(p. 388.)

'*Mrs. Jones's Vacation Ball, December 12th.*

'Mrs. Jones, with great respect, informs the parents and guardians of the young ladies entrusted to her tuition, that the vacation ball is fixed for Tuesday the 22nd instant, at the seminary, No. 45, Castlereagh Street, Sydney. Tickets 7*s.* 6*d.* each.'—(p. 388.)

'*Sporting Intelligence.*

'A fine hunt took place the 8th instant at the Nepean, of which the following is the account given by a gentleman present. "Having cast off by the government hut on the Nepean, and drawn the cover in that neighbourhood for a native Dog unsuccessfully, we tried the forest ground for a Kangaroo, which we soon found. It went off in excellent style along the sands by the river side, and crossed to the Cow-pasture Plains, running a circle of about two miles; then re-crossed, taking a direction for Mr. Campbell's stock-yard, and from thence at the back of Badge Allen Hill to the head of Boorroobaham Creek, where he was headed; from thence he took the main range of hills between the Badge Allen and Badge Allenabinjee, in a straight direction for Mr. Throsbey's farm, where the hounds ran in to him; and he was killed, after a good run of about two hours." The weight of the animal was upwards of 120 lib.'—(p. 380.)

Of the town of Sydney, Mr. Wentworth observes, that there are in it many public buildings, as well as houses of individuals, that would not disgrace the best parts of London; but this description we must take the liberty to consider as more patriotic than true. We rather suspect it was penned before Mr. Wentworth was in London; for he is (be it said to his honour) a native of Botany Bay. The value of lands (in the same spirit he adds) is half as great in Sydney as in the best situations in London, and is daily increasing. The proof of this which Mr. Wentworth gives, is, that 'it is not a commodious house which can be rented for 100*l.* per annum, unfurnished.' The town of Sydney contains two good public schools, for the education of 224 children of both sexes. There are establishments also for the diffusion of education in every populous district throughout the colony; the masters of these schools are allowed stipulated salaries from the Orphans' Fund. Mr. Wentworth states that one eighth part of the whole revenue of the colony is appropriated to the purposes of education;—this eighth he computes at 2500*l.* Independent of these institutions, there is an Auxiliary Bible Society, a Sunday School, and several good private schools. This is all as it should be: the education of the poor, important

everywhere, is indispensable at Botany Bay. Nothing but the earliest attention to the habits of children can restrain the erratic finger from the contiguous scrip, or prevent the hereditary tendency to larcenous abstraction. The American arrangements respecting the education of the lower orders is excellent. Their unsold lands are surveyed, and divided into districts. In the centre of every district, an ample and well selected lot is provided for the support of future schools. We wish this had been imitated in New Holland; for we are of opinion that the elevated nobleman, Lord Sidmouth, should imitate what is good and wise, even if the Americans are his teachers. Mr. Wentworth talks of 15,000 acres set apart for the support of the Female Orphan Schools; which certainly does sound a little extravagant: but then 50 or 100 acres of this reserve are given as a portion to each female orphan; so that all this pious tract of ground will be soon married away. This dotation of women, in a place where they are scarce, is amiable and foolish enough. There is a school also for the education and civilisation of the natives, we hope not to the exclusion of the children of convicts, who have clearly a prior claim upon public charity.

Great exertions have been made in public roads and bridges. The present Governor has wisely established toll-gates in all the principal roads. No tax can be more equitable, and no money more beneficially employed. The herds of wild cattle have either perished through the long droughts, or been destroyed by the remote settlers. They have nearly disappeared; and their extinction is a good rather than an evil. A very good horse for cart or plough may now be bought for 5*l.* to 10*l.*; working oxen for the same price; fine young breeding ewes from 1*l.* to 3*l.* according to the quality of the fleece. So lately as 1808, a cow and calf were sold by public auction for 105*l.*; and the price of middling cattle was from 80*l.* to 100*l.* A breeding mare was, at the same period, worth from 150 to 200 guineas; and ewes from 10*l.* to 20*l.* The inhabitants of New South Wales have now 2000 years before them of cheap beef and

mutton. The price of land is of course regulated by its situation and quality. Four years past, an hundred and fifty acres of very indifferent ground, about three quarters of a mile from Sydney, were sold, by virtue of an execution, in lots of 12 acres each, and averaged 14*l.* per acre. This is the highest price given for land not situated in a town. The general average of unimproved land is 5*l.* per acre. In years when the crops have not suffered from flood or drought, wheat sells for 9*s.* per bushel; maize for 3*s.* 6*d.*; barley for 5*s.*; oats for 4*s.* 6*d.*; potatoes for 6*s.* per cwt. By the last accounts received from the colony, mutton and beef were 6*d.* per lib.; veal 8*d.*; pork 9*d.* Wheat 8*s.* 8*d.* per bushel; oats 4*s.*, and barley 5*s.* per ditto. Fowls 4*s.* 6*d.* per couple; ducks 6*s.* per ditto; geese 5*s.* each; turkeys 7*s.* 6*d.* each; eggs 2*s.* 6*d.* per dozen; butter 2*s.* 6*d.* per lib. — There are manufactures of coarse woollen cloths, hats, earthenware, pipes, salt, candles, soap. There are extensive breweries and tanneries; and all sorts of mechanics and artificers necessary for an infant colony. Carpenters, stonemasons, bricklayers, wheel and ploughwrights, and all the most useful descriptions of artificers, can earn from 8*s.* to 10*s.* per day. Great attention has been paid to the improvement of wool; and it is becoming a very considerable article of export to this country.

The most interesting circumstance in the accounts lately received from Botany Bay, is the discovery of the magnificent river on the western side of the Blue Mountains. The public are aware, that a fine road has been made from Sydney to Bathurst, and a new town founded at the foot of the western side of these mountains, a distance of 140 miles. The country in the neighbourhood of Bathurst has been described as beautiful, fertile, open, and eminently fit for all the purposes of a settlement. The object was to find a river; and such an one has been found, the description of which it is impossible to read without the most lively interest. The intelligence is contained in a despatch from Mr. Oxley, Surveyor-General of the settlement, to the Governor, dated 30th August, 1817.

'"On the 19th, we were gratified by falling in with a river running through a most beautiful country, and which I would have been well contented to have believed the river we were in search of. Accident led us down this stream about a mile, when we were surprised by its junction with a river coming from the south, of such width and magnitude, as to dispel all doubts as to this last being the river we had so long anxiously looked for. Short as our resources were, we could not resist the temptation this beautiful country offered us to remain two days on the junction of the river, for the purpose of examining the vicinity to as great an extent as possible.

'"Our examination increased the satisfaction we had previously felt. As far as the eye could reach in every direction, a rich and picturesque country extended, abounding in limestone, slate, good timber, and every other requisite that could render an *uncultivated* country desirable. The soil cannot be excelled; whilst a noble river of *the first magnitude* affords the means of conveying its productions from one part to the other. Where I quitted it its course was northerly; and we were then north of the parallel of Port Stevens, being in latitude 32° 45′ south, and 148° 58′ east longitude.

'"It appeared to me that the Macquarrie had taken a north-north-west course from Bathurst, and that it must have received immense accessions of water in its course from that place. We viewed it at a period best calculated to form an accurate judgment of its importance, when it was neither swelled by floods beyond its natural and usual height, nor contracted within its limits by summer droughts. Of its magnitude when it should have received the streams we had crossed, independent of any it may receive from the east, which from the boldness and height of the country, I presume, must be at least as many, some idea may be formed, when at this point it exceeded, in breadth and apparent depth, the Hawkesbury at Windsor. Many of the branches were of grander and more extended proportion than the admired one on the Nepean River from the Warragambia to Emu Plains.

'"Resolving to keep as near the river as possible during the remainder of our course to Bathurst, and endeavour to ascertain, at least on the west side, what waters fell into it, on the 22d we proceeded up the river, and, between the point quitted and Bathurst, crossed the sources of numberless streams, all running into the Macquarrie. Two of them were nearly as large as that river itself at Bathurst. The country from whence all these streams derive their source was mountainous and irregular, and appeared equally so on the east side of the Macquarrie. This

description of country extended to the immediate vicinity of Bathurst; but to the west of those lofty ranges the country was broken into low grassy hills, and fine valleys, watered by rivulets rising on the west side of the mountains, which, on their eastern side, pour their waters directly into the Macquarrie.

'"These westerly streams appeared to me to join that which I had at first sight taken for the Macquarrie; and, when united, fall into it at the point at which it was first discovered on the 19th instant.

'"We reached this place last evening, without a single accident having occurred during the whole progress of the expedition, which from this point has encircled, with the parallels of 34° 0′ south and 32° south, and between the meridians of 149° 43′ and 143° 40′ east, a space of nearly one thousand miles."' —(*Wentworth*, pp. 72—75.)

The nearest distance from the point at which Mr. Oxley left off, to any part of the western coast, is very little short of 2000 miles. The Hawkesbury, at Windsor (to which he compares his new river in magnitude), is 250 yards in breadth, and of sufficient depth to float a 74-gun ship. At this point it has 2000 miles in a straight line to reach the ocean; and if it wind, as rivers commonly do wind, it has a space to flow over of between 5000 and 6000 miles. The course and direction of the river has since become the object of two expeditions, one by land under Mr. Oxley; the other by sea under Lieutenant King, to the results of which we look forward with great interest. Enough of the country on the western side of the Blue Mountains has been discovered to show that the settlement has been made on the wrong side. The space between the Mountains and the Eastern Sea is not above 40 miles in breadth, and the five or six miles nearest the coast are of very barren land. The country, on the other side, is boundless, fertile, well watered, and of very great beauty. The importance of such a river as the Macquarrie is incalculable. We cannot help remarking here, the courtly appellations in which geography delights; — the river *Hawkesbury;* the town of *Windsor* on its banks; *Bathurst* Plains; *Nepean* River. Shall we never hear of the Gulf of *Tierney;*

Brougham Point; or the straights of *Mackintosh* on the river *Grey?*

The mistakes which have been made in settling this fine colony are of considerable importance, and such as must very seriously retard its progress to power and opulence. The first we shall mention is the settlement on the Hawkesbury. Every work of nature has its characteristic defects. Marshes should be suspected of engendering disease — a volcanic country of eruptions — rivers of overflowing. A very little portion of this kind of reflection would have induced the disposers of land in New South Wales to have become a little better acquainted with the Hawkesbury before they granted land on its banks, and gave that direction to the tide of settlement and cultivation. It turns out that the Hawkesbury is the embouchure through which all the rain that falls on the eastern side of the Blue Mountains makes its way to the sea; and accordingly, without any warning, or any fall of rain on the settled part of the river, the stream has often risen from 70 to 90 feet above its common level.

'These inundations often rise seventy or eighty feet above low-water mark; and in the instance of what is still emphatically termed "the great flood" attained an elevation of ninety-three feet. The chaos of confusion and distress that presents itself on these occasions cannot be easily conceived by any one who has not been a witness of its horrors. An immense expanse of water, of which the eye cannot in many directions discover the limits, everywhere interspersed with growing timber, and crowded with poultry, pigs, horses, cattle, stacks, and houses, having frequently, men, women, and children, clinging to them for protection, and shrieking out in an agony of despair for assistance: — such are the principal objects by which these scenes of death and devastation are characterised.

'These inundations are not periodical, but they most generally happen in the month of March. Within the last two years there have been no fewer than four of them, one of which was nearly as high as the great flood. In the six years preceding, there had not been one. Since the establishment of the colony, they have happened, upon an average, about once in three years.

'The principal cause of them is the contiguity of this river to the Blue Mountains. The Grose and Warragambia rivers, from which two sources it derives its principal supply, issue direct from these mountains; and the Nepean river, the other principal branch of it, runs along the base of them for fifty or sixty miles, and receives in its progress, from the innumerable mountain torrents connected with it, the whole of the rain which these mountains collect in that great extent. That this is the principal cause of these calamitous inundations has been fully proved; for shortly after the plantation of this colony, the Hawkesbury overflowed its banks (which are in general about thirty feet in height), in the midst of harvest, when not a single drop of rain had fallen on the Port Jackson side of the mountains. Another great cause of the inundations which take place in this and the other rivers in the colony, is the small fall that is in them, and the consequent slowness of their currents. The current in the Hawkesbury, even when the tide is in full ebb, does not exceed two miles an hour. The water, therefore, which during the rains rushes in torrents from the mountains, cannot escape with sufficient rapidity; and from its immense accumulation soon overtops the banks of the river, and covers the whole of the low country. — *Wentworth*, pp, 24—26.

It appears to have been a great oversight not to have built the town of Sydney upon a regular plan. Ground was granted, in the first instance, without the least attention to this circumstance; and a chaos of pigstyes and houses was produced, which subsequent governors have found it extremely difficult to reduce to a state of order and regularity.

Regularity is of consequence in planning a metropolis; but fine buildings are absurd in the infant state of any country. The various governors have unfortunately displayed rather too strong a taste for architecture — forgetting that the real Palladio for Botany Bay, in its present circumstances, is he who keeps out the sun, wind, and rain, with the smallest quantity of bricks and mortar.

The appointment of Governor Bligh appears to have been a very serious misfortune to the colony — at such an immense distance from the mother-country, with such an uncertainty of communication, and with a population so peculiarly circumstanced. In these extraordinary

circumstances, the usual jobbing of the Treasury should really be laid aside, and some little attention paid to the selection of a proper person. It is common, we know, to send a person who is somebody's cousin; but, when a new empire is to be founded, the Treasury *should* send out, into some other part of the town, for a man of sense and character.

Another very great absurdity which has been committed at Botany Bay, is the diminution of their strength and resources by the foundation of so many subordinate settlements. No sooner had the settlers unpacked their boxes at Port Jackson, than a fresh colony was settled in Norfolk Island under Lieutenant King, which was afterwards abandoned, after considerable labour and expense, from the want of a harbour: besides four or five settlements on the main land, two or three thousand persons, under a lieutenant-governor, and regular officers, are settled in Van Diemen's Land. The difficulties of a new colony are such, that the exertions of all the arms and legs is wanted merely to cover their bodies and fill their bellies: the passage from one settlement to another, necessary for common intercourse, is a great waste of strength: ten thousand men, within a given compass, will do much more for the improvement of a country than the same number spread over three times the space —will make more miles of road, clear more acres of wood, and build more bridges. The judge, the windmill, and the school, are more accessible; and one judge, one windmill, and one school, may do instead of two;—there is less waste of labour. We do not, of course, object to the natural expansion of a colony over uncultivated lands—the more rapidly that takes place the greater is the prosperity of the settlement; but we reprobate the practice of breaking the first population of a colony, by the interposition of government, into small detached portions, placed at great intervals. It is a bad economy of their resources; and as such, is very properly objected to by the Committee of the House of Commons.

This colony appears to have suffered a good deal from the tyranny as well as the ignorance of its governors.

On the 7th of December, 1816, Governor Macquarrie issued the following order:—

'His Excellency is also pleased further to declare, order, and direct, that in consideration of the premises, the under-mentioned sums, amounts, and charges, and no more, with regard to and upon the various denominations of work, labour, and services, described and set forth, shall be allowed, claimed, or demandable within this territory and its dependencies in respect thereof.'— *Wentworth*, pp. 105, 106.

And then follows a schedule of every species of labour, to each of which a maximum is affixed. We have only to observe, that a good stout inundation of the Hawkesbury would be far less pernicious to the industry of the colony than such gross ignorance and absurdity as this order evinces. Young surgeons are examined in Surgeons' Hall on the methods of cutting off legs and arms before they are allowed to practise surgery. An examination on the principles of Adam Smith, and a licence from Mr. Ricardo, seem to be almost a necessary preliminary for the appointment of governors. We must give another specimen of Governor Macquarrie's acquaintance with the principles of political economy.

'*General Orders.*

'His Excellency has observed, with much concern, that, at the present time of scarcity, most of the garden ground attached to the allotments, whereon different descriptions of persons have been allowed to build huts, are totally neglected, and no vegetable growing thereon:—as such neglect in the occupiers points them out as unfit to profit by such indulgence, those who do not put the garden ground attached to the allotments they occupy in cultivation, on or before the 10th day of July next, will be dispossessed (except in cases wherein ground is held by lease), and more industrious persons put in possession of them, as the present necessities of the settlement require every exertion being used to supply the wants of families, by the ground attached to their dwellings being made as productive as possible. —By command of His Excellency. G. Blaxwell, Sec. *Government House, Sydney, June* 21st, 1806.'— *O'Hara*, p. 275.

This compulsion to enjoy, this despotic benevolence, is something quite new in the science of government.

The sale of spirits was first of all monopolised by the government, and then let out to individuals, for the purpose of building an hospital. Upon this subject Mr. Bennet observes—

'Heretofore all ardent spirits brought to the colony were purchased by the Government, and served out at fixed prices to the officers, civil and military, according to their ranks; hence arose a discreditable and gainful trade on the part of these officers, their wives and mistresses. The price of spirits at times was so high, that one and two guineas have been given for a single bottle. The thirst after ardent spirits became a mania among the settlers: all the writers on the state of the colony, and all who have resided there, and have given testimony concerning it, describe this rage and passion for drunkenness as prevailing in all classes, and as being the principal foundation of all the crimes committed there. This extravagant propensity to drunkenness was taken advantage of by the governor to aid him in the building of the hospital. Mr. Wentworth, *the surgeon*, Messrs. Riley and Blaxwell, obtained permission to enter a certain quantity of spirits; — they were to pay a duty of five or seven shillings a gallon on the quantity they introduced, which duty was to be set apart for the erection of the hospital. To prevent any other spirits from being landed, a monopoly was given to these contractors. As soon as the agreement was signed, these gentlemen sent off to Rio Janeiro, the Mauritius, and the East Indies, for a large quantity of rum and arrack, which they could purchase at about the rate of *2s.* or *2s. 6d.* per gallon, and disembarked it at Sydney. From there being but few houses that were before permitted to sell this poison, they abounded in every street; and such was the enormous consumption of spirits, that money was soon raised to build the hospital, which was finished in 1814. Mr. Marsden informs us, that in the small town of Paramatta thirteen houses were licensed to deal in spirits, though he should think five at the utmost would be amply sufficient for the accommodation of the public.'—*Bennet*, pp. 77—79.

The whole coast of Botany Bay and Van Diemen's Land abounds with whales; and accordingly the duty levied upon train oil procured by the subjects in New South Wales, or imported there, is twenty times greater

than that paid by the inhabitants of this country; the duty on spermaceti oil, imported, is *sixty times greater*. The duty levied on train oil, spermaceti, and head matter, procured by the inhabitants of Newfoundland, is only three times the amount of that which is levied on the same substance procured by British subjects residing in the United Kingdom. The duty levied on oil procured by British subjects residing in the Bahama or Bermuda islands, or in the plantations of North America, is only eight times the amount on train oil, and twelve times the amount on spermaceti, of that which is levied on the same substances taken by British subjects within the United Kingdom. The duty, therefore, which is payable on train oil, in vessels belonging to this colony, is nearly seven times greater than that which is payable on the same description of oil taken in vessels belonging to the island of Newfoundland, and considerably more than double of that which is payable on the same commodity taken in vessels belonging to the Bahama or Bermuda islands, or to the plantations in North America; while the duty which is levied on spermaceti oil, procured in vessels belonging to this colony, is five times the amount of that which is levied on vessels belonging to the above-mentioned places, and twenty times the amount of that which is levied on vessels belonging to Newfoundland. The injustice of this seems to us to be quite enormous. The statements are taken from Mr. Wentworth's book.

The inhabitants of New South Wales have no trial by jury; the governor has not even a council to restrain him. There is imposed in this country a very heavy duty on timber and coals exported; but for which, says Mr. Wentworth, some hundred tons of these valuable productions would have been sent annually to the Cape of Good Hope and India, since the vessels which have been in the habit of trading between those countries and the colony have always returned in ballast. The owners and consignees would gladly have shipped cargoes of timbers and coals, if they could have derived the most minute profit from the freight of them.

The Australasians grow corn; and it is necessarily their

staple. The Cape is their rival in the corn trade. The food of the inhabitants of the East Indies is rice; the voyage to Europe is too distant for so bulky an article as corn. The supply to the government stores furnished the cultivators of New South Wales with a market in the first instance, which is now become too insignificant for the great excess of the supply above the consumption. Population goes on with immense rapidity; but while so much new and fertile land is before them, the supply continues in the same proportion greater than the demand. The most obvious method of affording a market for this redundant corn is by encouraging distilleries within the colony; a measure repeatedly pressed upon the government at home, but hitherto as constantly refused. It is a measure of still greater importance to the colony, because its agriculture is subjected to the effects both of severe drought and extensive inundations, and the corn raised for the distillers would be a magazine in times of famine. A recommendation to this effect was long since made by a Committee of the House of Commons; but, as it was merely a measure for the increase of human comforts, was stuffed into the improvement baskets, and forgotten. There has been in all governments a great deal of absurd canting about the consumption of spirits. We believe the best plan is to let people drink what they like, and wear what they like; to make no sumptuary laws either for the belly or the back. In the first place, laws against rum, and rum and water are made by men who can change a wet coat for a dry one whenever they choose, and who do not often work up to their knees in mud and water; and, in the next place, if this stimulus did all the mischief it is thought to do by the wise men of claret, its cheapness and plenty would rather lessen than increase the avidity with which it is at present sought for.

The governors of Botany Bay have taken the liberty of imposing what taxes they deemed proper, without any other authority than their own; and it seemed very frivolous and vexatious not to allow this small effusion of despotism in so remote a corner of the globe: but it was

noticed by the opposition in the House of Commons, and reluctantly confessed and given up by the administration. This great portion of the earth begins civil life with noble principles of freedom:—may God grant to its inhabitants that wisdom and courage which are necessary for the preservation of so great a good!

Mr. Wentworth enumerates, among the evils to which the colony is subjected, that clause in the last settlement of the East India Company's charter, which prevents vessels of less than 300 tons burdens from navigating the Indian seas; a restriction from which the Cape of Good Hope has been lately liberated, and which ought, in the same manner, to be removed from New South Wales, where there cannot be, for many years to come, sufficient capital to build vessels of so large a burden.

'The disability,' says Mr. Wentworth, 'might be removed by a simple order in council. Whenever his Majesty's government shall have freed the colonists from this useless and cruel prohibition, the following branches of commerce would then be opened to them. First, they would be enabled to transport, in their own vessels, their coals, timber, spars, flour, meat, &c. to the Cape of Good Hope, the Isle of France, Calcutta, and many other places in the Indian seas; in all of which, markets more or less extensive exist for those various other productions which the colony might furnish. Secondly, they would be enabled to carry directly to Canton the sandal wood, bêche la mer, dried seal-skins, and, in fact, all the numerous productions which the surrounding seas and islands afford for the China market, and return freighted with cargoes of tea, silks, nankeens, &c.; all of which commodities are in great demand in the colony, and are at present altogether furnished by East India or American merchants, to the great detriment and dissatisfaction of the colonial. And, lastly, they would be enabled, in a short time, from the great increase of capital which these important privileges would of themselves occasion, as well as attract from other countries, to open the fur-trade with the north-west coast of America, and dispose of the cargoes procured in China,—a trade which has hitherto been exclusively carried on by the Americans and Russians, although the colonists possess a local superiority for the prosecution of this valuable branch of commerce, which would insure them at least a successful competition with the subjects of those two nations.'—*Wentworth*, pp. 317, 318.

The means which Mr. Wentworth proposes for improving the condition of Botany Bay, are — trial by jury — colonial assemblies, with whom the right of taxation should rest — the establishment of distilleries, and the exclusion of foreign spirits — alteration of duties, so as to place New South Wales upon the same footing as other colonies — removal of the restriction to navigate the Indian seas in vessels of a small burden — improvements in the courts of justice — encouragement for the growth of hemp, flax, tobacco, and wine; and, if a colonial assembly cannot be granted, that there should be no taxation without the authority of parliament.

In general, we agree with Mr. Wentworth in his statement of evils, and in the remedies he has proposed for them. Many of the restrictions upon the commerce of New South Wales are so absurd, that they require only to be stated in parliament to be corrected. The fertility of the colony so far exceeds its increase of population, and the difficulty of finding a market for corn is so great — or rather the impossibility so clear — that the measure of encouraging domestic distilleries ought to be had recourse to. The colony, with a soil fit for every thing, must, as Mr. Wentworth proposes grow other things besides corn, and excite that market in the interior which it does not enjoy from without. The want of demand, indeed, for the excess of corn, will soon effect this without the intervention of government. Government, we believe, have already given up the right of taxation, without the sanction of parliament; and there is an end probably, by this time, to that grievance. A council and a colonial secretary they have also expressed their willingness to concede. Of trial by jury, and a colonial assembly, we confess that we have great doubts. At some future time they must come, and ought to come. The only question is, Is the colony fit for such institutions at present? Are there a sufficient number of respectable persons to serve that office in the various settlements? If the English law is to be followed exactly, to compose a jury of twelve persons, a panel of forty-eight must be summoned. Could forty-eight intelligent, unconvicted men,

be found in every settlement of New South Wales? or must they not be fetched from great distances, at an enormous expense and inconvenience? Is such an institution calculated for so very young a colony? A good government is an excellent thing; but it is not the first in the order of human wants. The first want is to subsist; the next to subsist in freedom and comfort; first to live at all, then to live well. A parliament is still a greater demand upon the wisdom and intelligence and opulence of a colony than trial by jury. Among the twenty thousand inhabitants of New South Wales, are there ten persons out of the employ of government whose wisdom and prudence could reasonably be expected to advance the interests of the colony without embroiling it with the mother-country? Who has leisure, in such a state of affairs, to attend such a parliament? Where wisdom and conduct are so rare, every man of character, we will venture to say, has like strolling players in a barn, six or seven important parts to perform. Mr. M'Arthur, who, from his character and understanding, would probably be among the first persons elected to the colonial legislature, besides being a very spirited agriculturist, is, we have no doubt, justice of the peace, curator and rector of a thousand plans, charities, and associations, to which his presence is essentially necessary. If he could be cut into as many pieces as a tree is into planks, all his subdivisions would be eminently useful. When a member of parliament, and what is called a really respectable country gentleman, sets off to attend his duty in our parliament, such diminution of intelligence as is produced by his absence, is, God knows, easily supplied; but in a colony of 20,000 persons, it is impossible this should be the case. Some time hence, the institution of a colonial assembly will be a very wise and proper measure, and so clearly called for, that the most profligate members of administration will neither be able to ridicule nor refuse it. At present we are afraid that a Botany Bay parliament would give rise to jokes; and jokes at present have a great agency in human affairs.

Mr. Bennet concerns himself with the settlement of

New Holland, as it is a school for criminals; and, upon this subject, has written a very humane, enlightened, and vigorous pamphlet. The objections made to this settlement by Mr. Bennet are, in the first place, its enormous expense. The colony of New South Wales, from 1788 to 1815 inclusive, has cost this country the enormous sum of 3,465,983*l.* In the evidence before the Transportation Committee, the annual expense of each convict, from 1791 to 1797, is calculated at 33*l.* 9*s.* 5½*d.* per annum, and the profits of his labour are stated to be 20*l.* The price paid for the transport of convicts has been, on an average, 37*l.* exclusive of food and clothing. It appears, however, says Mr. Bennet, by an account laid before parliament, that in the year 1814, 109,746*l.* were paid for the transport, food, and clothing of 1016 convicts, which will make the cost amount to about 108*l.* per man. In 1812, the expenses of the colony were 176,000*l.*; in 1813, 235,000*l.*; in 1814, 231,362*l.*; but in 1815 they had fallen to 150,000*l.*

The cruelty and neglect in the transportation of convicts has been very great—and in this way a punishment inflicted which it never was in the contemplation of law to enact. During the first eight years, according to Mr. Bennet's statements, one tenth of the convicts died on the passage; on the arrival of three of the ships, 200 sick were landed, 281 persons having died on board. These instances, however, of criminal inattention to the health of the convicts no longer take place; and it is mentioned rather as an history of what is past, than a censure upon any existing evil.

In addition to the expense of Botany Bay, Mr. Bennet contends that it wants the very essence of punishment, terror; that the common people do not dread it; that instead of preventing crimes, it rather excites the people to their commission, by the hopes it affords of bettering their condition in a new country.

'All those who have had an opportunity of witnessing the effect of this system of transportation agree in opinion, that it is no longer an object of dread—it has, in fact, generally ceased

to be a punishment: true it is, to a father of a family, to the mother who leaves her children, this perpetual separation from those whom they love and whom they support, is a cruel blow, and, when I consider the merciless character of the law which inflicts it, a severe penalty; but by far the greater number of persons who suffer this punishment, regard it in quite a different light. Mr. Cotton, the Ordinary of Newgate, informed the Police Committee last year, "That the generality of those who are transported consider it as a party of pleasure — as going out to see the world; they evince no penitence, no contrition, but seem to rejoice in the thing, — many of them to court it. I have heard them, when the sentence of transportation has been passed by the Recorder, return thanks for it, and seem overjoyed at their sentence: the very last party that went off, when they were put into the caravan, shouted and huzzaed, and were very joyous; several of them called out to the keepers who were there in the yard, the first fine Sunday we will have a glorious Kangaroo hunt at the Bay, — seeming to anticipate a great deal of pleasure." He was asked if those persons were married or single, and his answer was, "By far the greater number of them were unmarried. Some of them are anxious that their wives and children should follow them: others care nothing about either wives or children, and are glad to get rid of them." '— *Bennet*, pp. 60, 61.

It is a scandalous injustice in this colony, that persons transported for seven years have no power of returning when that period is expired. A strong active man may sometimes work his passage home; but what is an old man or an aged female to do? Suppose a convict were to be confined in prison for seven years, and then told he might get out if he could climb over the walls, or break open the locks, what in general would be his chance of liberation? But no lock nor doors can be so secure a means of detention as the distance of Botany Bay. This is a downright trick and fraud in the administration of criminal justice. A poor wretch who is banished from his country for seven years, should be furnished with the means of returning to his country when these seven years are expired. — If it is intended he should never return, his sentence should have been banishment for life.

The most serious charge against the colony, as a place

for transportation, and an experiment in criminal justice, is the extreme profligacy of manners which prevails there, and the total want of reformation among the convicts. Upon this subject, except in the regular letters, officially varnished and filled with fraudulent beatitudes for the public eye, there is, and there can be, but one opinion. New South Wales is a sink of wickedness, in which the great majority of convicts of both sexes become infinitely more depraved than at the period of their arrival. How, as Mr. Bennet very justly observes, can it be otherwise? The felon transported to the American plantations, became an insulated rogue among honest men. He lived for years in the family of some industrious planter, without seeing a picklock, or indulging in pleasant dialogues on the delicious burglaries of his youth. He imperceptibly glided into honest habits, and lost not only the tact for pockets, but the wish to investigate their contents. But in Botany Bay, the felon, as soon as he gets out of the ship, meets with his ancient trull, with the footpad of his heart, the convict of his affections, — the man whose hand he has often met in the same gentleman's pocket — the being whom he would choose from the whole world to take to the road, or to disentangle the locks of Bramah. It is impossible that vice should not become more intense in such society.

Upon the horrid state of morals now prevalent in Botany Bay, we would counsel our readers to cast their eyes upon the account given by Mr. Marsden, in a letter, dated July 1815, to Governor Macquarrie. It is given at length in the Appendix to Mr. Bennet's book. A more horrid picture of the state of any settlement was never penned. It carries with it an air of truth and sincerity, and is free from all enthusiastic cant.

'I now appeal to your Excellency,' (he says at the conclusion of his Letter), 'whether under such circumstances, any man of common feeling, possessed of the least spark of humanity or religion, who stood in the same official relation that I do to these people, as their spiritual pastor and magistrate, could enjoy one happy moment from the beginning to the end of the week?

'I humbly conceive that it is incompatible with the character and wish of the British nation, that her own exiles should be exposed to such privations and dangerous temptations, when she is daily feeding the hungry and clothing the naked, and receiving into her friendly, and I may add pious bosom, the stranger, whether savage or civilised, of every nation under heaven. There are, in the whole, under the two principal superintendants, Messrs. Rouse and Oakes, one hundred and eight men, and one hundred and fifty women, and several children; and nearly the whole of them have to find lodgings for themselves when they have performed their government tasks.

'I trust that your Excellency will be fully persuaded, that it is totally impossible for the magistrate to support his necessary authority, and to establish a regular police, under such a weight of accumulated and accumulating evils. I am as sensible as any one can be, that the difficulty of removing these evils will be very great; at the same time, their number and influence may be greatly lessened, if the abandoned male and female convicts are lodged in barracks, and placed under the eye of the police, and the number of licensed houses is reduced. Till something of this kind is done, all attempts of the magistrate, and the public administration of religion, will be attended with little benefit to the general good. I have the honour to be, Your Excellency's most obedient humble servant, SAMUEL MARSDEN.'—*Bennet*, p. 134.

Thus much for Botany Bay. As a mere colony, it is too distant and too expensive; and, in future, will of course involve us in many of those just and necessary wars, which deprive Englishmen so rapidly of their comforts, and make England scarcely worth living in. If considered as a place of reform for criminals, its distance, expense, and the society to which it dooms the objects of the experiment, are insuperable objections to it. It is in vain to say, that the honest people in New South Wales will soon bear a greater proportion to the rogues, and the contamination of bad society will be less fatal. This only proves that it may be a good place for reform hereafter, not that it is a good one now. One of the principal reasons for peopling Botany Bay at all, was, that it would be an admirable receptacle, and a school of reform for our convicts. It turns out, that for the first half century, it will make them worse than

they were before, and that, after that period, they may probably begin to improve. A marsh, to be sure, may be drained and cultivated; but no man who has his choice, would select it in the mean time for his dwelling-place.

The three books are all books of merit. Mr. O'Hara's is a bookseller's compilation, done in a useful and pleasing manner. Mr. Wentworth is full of information on the present state of Botany Bay. The humanity, the exertions, and the genuine benevolence of Mr. Bennet, are too well known to need our commendation.

All persons who have a few guineas in their pocket, are now running away from Mr. Nicholas Vansittart to settle in every quarter of the globe. Upon the subject of emigration to Botany Bay, Mr. Wentworth observes, 1st, That any respectable person emigrating to that colony, receives as much land gratis as would cost him 400*l.* in the United States; 2dly, He is allowed as many servants as he may require, at one third of the wages paid for labour in America; 3dly, Himself and family are victualled at the expense of Government for six months. He calculates that a man, wife, and two children, with an allowance of five tons for themselves and baggage, could emigrate to Botany Bay for 100*l.*, including every expense, provided a whole ship could be freighted; and that a single man could be taken out thither for 30*l.* These points are worthy of serious attention to those who are shedding their country.

CHIMNEY SWEEPERS. (E. Review, 1819.)

Account of the Proceedings of the Society for superseding the Necessity of Climbing Boys. Baldwin, &c. London, 1816.

An excellent and well-arranged dinner is a most pleasing occurrence, and a great triumph of civilised life. It is not only the descending morsel, and the enveloping sauce — but the rank, wealth, wit, and beauty which surround the meats — the learned management of light and heat — the silent and rapid services of the attendants — the smiling and sedulous host, proffering gusts and relishes — the exotic bottles — the embossed plate — the pleasant remarks — the handsome dresses — the cunning artifices in fruit and farina! The hour of dinner, in short, includes every thing of sensual and intellectual gratification which a great nation glories in producing.

In the midst of all this, who knows that the kitchen chimney caught fire half an hour before dinner! — and that a poor little wretch, of six or seven years old, was sent up in the midst of the flames to put it out? We could not, previous to reading this evidence, have formed a conception of the miseries of these poor wretches, or that there should exist, in a civilised country, a class of human beings destined to such extreme and varied distress. We will give a short epitome of what is developed in the evidence before the two Houses of Parliament.

Boys are made chimney sweepers at the early age of five or six.

Little boys for small flues, is a common phrase in the cards left at the door by itinerant chimney sweepers. Flues made to ovens and coppers are often less than nine inches square; and it may be easily conceived, how slender the frame of that human body must be, which can force itself through such an aperture.

'What is the age of the youngest boys who have been employed in this trade, to your knowledge? About five years of age: I know one now between five and six years old; it is the man's own son in the Strand: now there is another at Somers Town, I think, said he was between four and five, or about five; Jack Hall, a little lad, takes him about. — Did you ever know any female children employed? Yes, I know one now. About two years ago there was a woman told me she had climbed scores of times, and there is one at Paddington now whose father taught her to climb; but I have often heard talk of them when I was apprentice, in different places. — What is the smallest-sized flue you have ever met with in the course of your experience? About eight inches by nine; these they are always obliged to climb in this posture (*describing it*), keeping the arms up straight; if they slip their arms down, they get jammed in; unless they get their arms close over their head they cannot climb.' — *Lords' Minutes,* No. 1. p. 8.

The following is a specimen of the manner in which they are taught this art of climbing chimneys.

'Do you remember being taught to climb chimneys? Yes.— What did you feel upon the first attempt to climb a chimney? The first chimney I went up, they told me there was some plum-pudding and money up at the top of it, and that is the way they enticed me up; and when I got up, I would not let the other boy get from under me to get at it, I thought he would get it; I could not get up, and shoved the pot and half the chimney down into the yard. — Did you experience any inconvenience to your knees, or your elbows? Yes, the skin was off my knees and elbows too, in climbing up the new chimneys they forced me up. — How did they force you up? When I got up, I cried out about my sore knees. — Were you beat or compelled to go up by any violent means? Yes, when I went to a narrow chimney, if I could not do it, I durst not go home; when I used to come down, my master would well beat me with the brush; and not only my master, but when we used to go with the journeymen, if we could not do it, they used to hit us three or four times with the brush.' — *Lords' Minutes.* No. 1. p. 5.

In practising the art of climbing, they are often crippled.

'You talked of the pargetting of chimneys; are many chimneys pargetted? There used to be more than are now; we used

to have to go and sit all a-twist to parge them, according to the floors, to keep the smoke from coming out; then I could not straighten my legs; and that is the reason that many are cripples,—from parging and stopping the holes.'—*Lord's Minutes*, No. 1. p. 17.

They are often stuck fast in a chimney, and, after remaining there many hours, are cut out.

'Have you known, in the course of your practice, boys stick in chimneys at all? Yes, frequently.—Did you ever know an instance of a boy being suffocated to death? No; I do not recollect any one at present, but I have assisted in taking boys out when they have been nearly exhausted.—Did you ever know an instance of its being necessary to break open a chimney to take the boy out? O yes.—*Frequently? Monthly I might say;* it is done with a cloak, if possible, that it should not be discovered: a master in general wishes it not to be known, and therefore speaks to the people belonging to the house not to mention it, for it was merely the boy's neglect; they often say it was the boy's neglect.—Why do they say that? The boy's climbing shirt is often very bad; the boy coming down, if the chimney be very narrow, and numbers of them are only nine inches, gets his shirt rumpled underneath him, and he has no power after he is fixed in that way (*with his hand up*).—Does a boy frequently stick in the chimney? Yes; I have known more instances of that the last twelvemonth than before.—Do you ever have to break open in the inside of a room? Yes, I have helped to break through into a kitchen chimney in a dining room.'—*Lords' Minutes*, p. 34.

To the same effect is the evidence of John Daniels (*Minutes*, p. 100.), and of James Ludford (*Lords' Minutes*, p. 147.).

'You have swept the Penitentiary? I have.—Did you ever know a boy stick in any of the chimneys there? Yes, I have.—Was it one of your boys? It was.—Was there one or two that stuck? Two of them.—How long did they stick there? Two hours.—How were they got out? They were cut out.—Was there any danger while they were in that situation? It was the core from the pargetting of the chimney, and the rubbish that the labourers had thrown down, that stopped them, and when they got it aside them, they could not pass.—They both stuck together? Yes.'—*Lords' Minutes*, p. 147.

One more instance we shall give, from the Evidence before the Commons.

'Have you heard of any accidents that have recently happened to climbing boys in the small flues? Yes; I have *often* met with accidents myself when I was a boy; there was lately one in Mary-le-bone where the boy *lost his life* in a flue, a boy of the name of Tinsey, (his father was of the same trade); that boy I think was about eleven or twelve years old.—Was there a coroner's inquest sat on the body of that boy you mentioned? Yes, there was; he was an apprentice of a man of the name of Gay. —How many accidents do you recollect, which were attended with loss of life to the climbing boys? I have heard talk of many more than I know of; I never knew of more than three since I have been at the trade, but I have heard talk of many more.—Of twenty or thirty? I cannot say; I have been near losing my own life several times.'—*Commons' Report, p. 53.*

We come now to burning little chimney sweepers. A large party are invited to dinner—a great display is to be made;—and about an hour before dinner, there is an alarm that the kitchen chimney is on fire! It is impossible to put off the distinguished personages who are expected. It gets very late for the soup and fish, the cook is frantic—all eyes are turned upon the sable consolation of the master chimney sweeper—and up into the midst of the burning chimney is sent one of the miserable little infants of the brush! There is a positive prohibition of this practice, and an enactment of penalties in one of the acts of Parliament which respect chimney sweepers. But what matter acts of Parliament, when the pleasures of genteel people are concerned? Or what is a toasted child, compared to the agonies of the mistress of the house with a deranged dinner?

'Did you ever know a boy get burnt up a chimney? Yes.—Is that usual? Yes, I have been burnt myself, and have got the scars on my legs; a year ago I was up a chimney in Liquor Pond Street; I have been up *more than forty chimneys where I have been burnt.*—Did your master or the journeymen ever direct you to go up a chimney that is on fire? Yes, it is a general case.—Do they compel you to go up a chimney that is on fire? Oh yes, it was the general practice for two of us to stop at home

on Sunday to be ready in case of a chimney being a-fire.—You say it is general to compel the boys to go up chimneys on fire? Yes, boys get very ill treated if they do not go up.'—*Lords' Minutes*, p. 34.

'Were you ever forced up a chimney on fire? Yes, I was forced up one once, and, because I could not do it, I was taken home and well hided with a brush by the journeyman.—Have you frequently been burnt in ascending chimneys on fire? Three times.—Are such hardships as you have described common in the trade with other boys? Yes, they are.'—*Ibid.* p. 100.

'What is the price for sending a boy up a chimney badly on fire? The price allowed is five shillings, but most of them charge half a guinea.—Is any part of that given to the boy? No, but very often the boy gets half a crown; and then the journeyman has half, and his mistress takes the other part to take care of against Sunday.—Have you never seen water thrown down from the top of a chimney when it is on fire? Yes.—Is not that generally done? Yes; I have seen that done twenty times, and the boy in the chimney; at the time when the boy has hallooed out, "It is so hot I cannot go any further;" and then the expression is, with an oath, "Stop, and I will heave a pail of water down."'—*Ibid.* p. 39.

Chimney sweepers are subject to a peculiar sort of cancer, which often brings them to a premature death.

'He appeared perfectly willing to try the machines everywhere? I must say the man appeared perfectly willing; he had a fear that he and his family would be ruined by them; but I must say of him, that he is very different from other sweeps I have seen; he attends very much to his own business; he was as black as any boy he had got, and unfortunately in the course of conversation he told me he had got a cancer; he was a fine healthy strong-looking man; he told me he dreaded having an operation performed, but his father died of the same complaint, and that his father was sweeper to King George the Second.'—*Lords' Minutes*, p. 84.

'What is the nature of the particular diseases? The diseases that we particularly noticed, to which they were subject, were of a cancerous description.—In what part? The scrotum in particular, &c.—Did you ever hear of cases of that description that were fatal? No, I do not think them as being altogether fatal, unless they will not submit to the operation; they have such a dread of the operation that they will not submit to it, and if they do not let it be perfectly removed, they will be liable to the re-

turn of it.—To what cause do you attribute that disease? I think it begins from a want of care: the scrotum being in so many folds or crevices, the soot lodges in them and creates an itching, and I conceive that, by scratching it and tearing it, the soot gets in and creates the irritability; which disease we know by the name of the chimney sweeper's cancer, and is always lectured upon separately as a distinct disease.—Then the Committee understands that the physicians who are entrusted with the care and management of those hospitals think that disease of such common occurrence, that it is necessary to make it a part of surgical education? Most assuredly; I remember Mr. Cline and Mr. Cooper were particular on that subject.—Without an operation there is no cure? I conceive not; I conceive without the operation it is death; for cancers are of that nature that unless you extirpate them entirely, they will never be cured.'—*Commons' Rep.* pp. 60, 61.

In addition to the life they lead as chimney sweepers, is superadded the occupation of nightmen.

'(*By a Lord.*) Is it generally the custom that many masters are likewise nightmen? Yes; I forgot that circumstance, which is very grievous; I have been tied round the middle and let down several privies, for the purpose of fetching watches and such things; it is generally made the practice to take the smallest boy, to let him through the hole without taking up the seat, and to paddle about there until he finds it; they do not take a big boy, because it disturbs the seat.'—*Lords' Minutes,* p. 38.

The bed of these poor little wretches is often the soot they have swept in the day.

'How are the boys generally lodged; where do they sleep at night? Some masters may be better than others, but I know I have slept on the soot that was gathered in the day myself.—Where do boys generally sleep? Never on a bed; I never slept on a bed myself while I was apprentice.—Do they sleep in cellars? Yes, very often; I have slept in the cellar myself on the sacks I took out.—What had you to cover you? The same.—Had you any pillow? No further than my breeches and jacket under my head.—How were you clothed? When I was apprentice we had a pair of leather breeches and a small flannel jacket.—Any shoes and stockings? Oh dear no; no stockings.—Had you any other clothes for Sunday? Sometimes we had

an old bit of a jacket, that we might wash out ourselves, and a shirt.'—*Lords' Minutes*, p. 40.

Girls are occasionally employed as chimney sweepers.

'Another circumstance, which has not been mentioned to the Committee, is, that there are several little girls employed; there are two of the name of Morgan at Windsor, daughters of the chimney sweeper who is employed to sweep the chimneys of the Castle; another instance at Uxbridge, and at Brighton, and at Whitechapel (which was some years ago), and at Hadley near Barnet, and Witham in Essex, and elsewhere.'—*Commons' Report*, p. 71.

Another peculiar danger to which chimney sweepers are exposed, is the rottenness of the pots at the top of chimneys; — for they must ascend to the very summit, and show their brushes above them, or there is no proof that the work is properly completed. These chimney-pots, from their exposed situation, are very subject to decay; and when the poor little wretch has worked his way up to the top, pot and boy give way together, and are both shivered to atoms. There are many instances of this in the evidence before both Houses. When they outgrow the power of going up a chimney, they are fit for nothing else. The miseries they have suffered lead to nothing. They are not only enormous, but unprofitable: having suffered, in what is called the happiest part of life, every misery which an human being can suffer, they are then cast out to rob and steal, and given up to the law.

Not the least of their miseries, while their trial endures, is their exposure to cold. It will easily be believed that much money is not expended on the clothes of a poor boy stolen from his parents, or sold by them for a few shillings, and constantly occupied in dirty work. Yet the nature of their occupations renders chimney sweepers peculiarly susceptible of cold. And as chimneys must be swept very early, at four or five o'clock of a winter morning, the poor boys are shivering at the door, and attempting by repeated ringings to rouse the profligate

footman; but the more they ring, the more the footman does not come.

'Do they go out in the winter time without stockings? Oh yes.—Always? I never saw one go out *with* stockings; I have known masters make their boys pull off their leggings, and cut off the feet, to keep their feet warm when they have chilblains.—Are chimney sweepers' boys peculiarly subject to chilblains? Yes; I believe it is owing to the weather: they often go out at two or three in the morning, and their shoes are generally very bad.—Do they go out at that hour at Christmas? Yes; a man will have twenty jobs at four, and twenty more at five or six.—Are chimneys generally swept much about Christmas time? Yes; they are in general; it is left to the Christmas week.—Do you suppose it is frequent that, in the Christmas week, boys are out from three o'clock in the morning to nine or ten? Yes, further than that; I have known that a boy has been only in and out again directly all day till five o'clock in the evening.—Do you consider the journeymen and masters treat those boys generally with greater cruelty than other apprentices in other trades are treated? They do, most horrid and shocking.'—*Lords' Minutes*, p. 33.

The following is the reluctant evidence of a master.

'At what hour in the morning did your boys go out upon their employment? According to orders.—At any time? To be sure; suppose a nobleman wished to have his chimney done before four or five o'clock in the morning, it was done, or how were the servants to get their things done?—Supposing you had an order to attend at four o'clock in the morning in the month of December, you sent your boy? I was generally with him, or had a careful follower with him.—Do you think those early hours beneficial for him? I do: and I have heard that "early to bed and early to rise, is the way to be healthy, wealthy, and wise."—Did they always get in as soon as they knocked? No; it would be pleasant to the profession if they could.—How long did they wait? *Till the servants please to rise.*—How long might that be? According how heavy they were to sleep.—How long was that? It is impossible to say; ten minutes at one house, and twenty at another.—Perhaps half an hour? *We cannot see in the dark how the minutes go.*—Do you think it healthy to let them stand there twenty minutes at four o'clock in the morning in the winter time? He has a cloth to wrap

himself in like a mantle, and keep himself warm.'—*Lords' Minutes,* pp. 138, 139.

We must not forget sore eyes. Soot lodges on their eyelids, produces irritability, which requires friction; and the friction of dirty hands of course increases the disease. The greater proportion of chimney sweepers are in consequence blear-eyed. The boys are very small, but they are compelled to carry heavy loads of soot.

'Are you at all lame yourself? No; but I am "knapped-kneed" with carrying heavy loads when I was an apprentice.—That was the occasion of it? It was.—In general, are persons employed in your trade either stunted or knock-kneed by carrying heavy loads during their childhood? It is owing to their masters a great deal; and when they climb a great deal it makes them weak.'—*Commons' Report,* p. 58.

In climbing a chimney, the great hold is by the knees and elbows. A young child of six or seven years old, working with knees and elbows against hard bricks, soon rubs off the skin from these bony projections, and is forced to climb high chimneys with raw and bloody knees and elbows.

'Are the boys' knees and elbows rendered sore when they first begin to learn to climb? Yes, they are, and pieces out of them.—Is that almost generally the case? It is; *there is not one out of twenty who is not;* and they are sure to take the scars to their grave: I have some now.—Are they usually compelled to continue climbing while those sores are open? *Yes;* the way they use to make them hard is that way.—Might not this severity be obviated by the use of pads in learning to climb? Yes; but they consider in the business, learning a boy, that he is never thoroughly learned until the boy's knees are hard after being sore; then they consider it necessary to put a pad on, from seeing the boys have bad knees; the children generally walk stiff-kneed.—Is it usual among the chimney sweepers to teach their boys to learn by means of pads? No; they learn them with nearly naked knees.—Is it done in one instance in twenty? No, nor one in fifty.'—*Lords' Minutes,* p. 32.

According to the humanity of the master, the soot re-

mains upon the bodies of the children, unwashed off, for any time from a week to a year.

'Are the boys generally washed regularly? No, unless they wash themselves. — Did not your master take care you were washed? No. — Not once in three months? No, *not once a year.* — Did not he find you soap? No; I can take my oath on the Bible that he never found me one piece of soap during the time I was apprentice.' — *Lords' Minutes*, p. 41.

The life of these poor little wretches is so miserable, that they often lie sulking in the flues, unwilling to come out.

'Did you ever see severity used to boys that were not obstinate and perverse? Yes. — Very often? Yes, very often. The boys are rather obstinate; some of them are; some of them will get half-way up the chimney, and will not go any further, and then the journeyman will swear at them to come down, or go on; but the boys are too frightened to come down; they halloo out, we cannot get up, and they are afraid to come down; sometimes they will send for another boy, and drag them down; sometimes get up to the top of the chimney, and throw down water, and drive them down; then, when they get them down, they will begin to drag, or beat, or kick them about the house; then, when they get home, the master will beat them all round the kitchen afterwards, and give them no breakfast perhaps.' — *Lords' Minutes*, pp. 9, 10.

When a chimney boy has done sufficient work for the master, he must work for the man; and he thus becomes for several hours after his morning's work a perquisite to the journeyman.

'It is frequently the perquisite of the journeyman, when the first labour of the day on account of the master is finished, to "call the streets," in search of employment on their own account, with the apprentices, whose labour is thus unreasonably extended, and whose limbs are weakened and distorted by the weights which they have to carry, and by the distance which they have to walk. John Lawless says, "I have known a boy to climb from twenty to thirty chimneys for his master in the morning; he has then been sent out instantly with the journeyman, who has kept him out till three or four o'clock, till he has accumulated from six to eight bushels of soot."' — *Lords' Report*, p. 24.

The sight of a little chimney sweeper often excites pity: and they have small presents made to them at the houses where they sweep. These benevolent alms are disposed of in the following manner: —

'Do the boys receive little presents of money from people often in your trade? Yes, it is in general the custom. — Are they allowed to keep that for their own use? Not the whole of it, — the journeymen take what they think proper. The journeymen *are entitled to half* by the master's orders; and whatever a boy may get, if two boys and one journeyman are sent to a large house to sweep a number of chimneys, and after they have done, there should be a shilling, or eighteen-pence given to the boys, the journeyman has his full half, and the two boys in general have the other. — Is it usual or customary for the journeyman to play at chuck farthing or other games with the boys? Frequently. — Do they win the money from the boys? Frequently; the children give their money to the journeymen to screen for them. — What do you mean by screening? Such a thing as sifting the soot. The child is tired, and he says, "Jem, I will give you twopence if you will sift my share of the soot;" there is sometimes twenty or thirty bushels to sift. — Do you think the boys retain one quarter of that given them for their own use? No.' — *Lords' Minutes*, p. 35.

To this most horrible list of calamities is to be added the dreadful deaths by which chimney sweepers are often destroyed. Of these we once thought of giving two examples; one from London, the other from our own town of Edinburgh: but we confine ourselves to the latter.

'James Thomson, chimney sweeper. — One day in the beginning of June, witness and panel (that is, the master, the party accused), had been sweeping vents together. About *four* o'clock in the afternoon, the panel proposed to go to Albany Street, where the panel's brother was cleaning a vent, with the assistance of Fraser, whom he had borrowed from the panel for the occasion. When witness and panel got to the house in Albany Street, they found Fraser, who had gone up the vent, *between eleven and twelve* o'clock, not yet come down. On entering the house they found a mason making a hole in the wall. Panel said, what was he doing? I suppose he has taken a lazy fit. The panel called to the boy, "What are you doing? what's

keeping you?" The boy answered that he could not come. The panel worked a long while, sometimes persuading him, sometimes threatening and swearing at the boy, to get him down. Panel then said, "I will go to a hardware shop and get a barrel of gunpowder, and blow you and the vent to the devil, if you do not come down." Panel then began to slap at the wall — witness then went up a ladder, and spoke to the boy through a small hole in the wall previously made by the mason — but the boy did not answer. Panel's brother told witness to come down, as the boy's master knew best how to manage him. Witness then threw off his jacket, and put a handkerchief about his head, and said to the panel, "Let me go up the chimney to see what's keeping him." The panel made no answer, but pushed witness away from the chimney, and continued bullying the boy. At this time the panel was standing on the grate, so that witness could not go up the chimney; witness then said to panel's brother, "There is no use for me here," meaning, that panel would not permit him to use his services. He prevented the mason making the hole larger, saying, Stop, and I'll bring him down in five minutes' time. Witness then put on his jacket, and continued an hour in the room, *during all which time the panel continued bullying the boy.* Panel then desired witness to go to Reid's house to get the loan of his boy Alison. Witness went to Reid's house, and asked Reid to come and speak to panel's brother. Reid asked if panel was there? Witness answered he was; Reid said he would send his boy to the panel, but not to the panel's brother. Witness and Reid went to Albany Street; and when they got into the room, panel took his head out of the chimney and asked Reid if he would lend him his boy; Reid agreed; witness then returned to Reid's house for his boy, and Reid called after him, "Fetch down a set of ropes with you." By this time witness had been ten minutes in the room, during which time panel was swearing, and asking "What's keeping you, you scoundrel?" When witness returned with the boy and ropes, Reid took hold of the rope, and, having loosed it, gave Alison one end, and directed him to go up the chimney, saying, "Do not go farther than his feet, and when you get there fasten it to his foot." Panel said nothing all this time. Alison went up, and having fastened the rope, Reid desired him to come down; Reid took the rope and pulled, but did not bring down the boy; the rope broke! Alison was sent up again with the other end of the rope, which was fastened to the boy's foot. When Reid was pulling the rope, panel said, "You have not the strength of a cat;" he took the rope into his own hands, *pulling as strong as he could.* Having pulled *about a quarter of an hour,*

panel and Reid fastened the rope round a crow bar, which they applied to the wall as a lever, and both *pulled with all their strength for about a quarter of an hour longer*, when it broke. During this time witness heard the boy cry, and say, " My God Almighty ! " Panel said, " If I had you here, I would God Almighty you." Witness thought the cries were in agony. The master of the house brought a new piece of rope, and the panel's brother spliced an eye on it. Reid expressed a wish to have it fastened on both thighs, to have greater purchase. Alison was sent up for this purpose, but came down, and said he could not get it fastened. Panel then began to slap at the wall. After striking a long while at the wall he got out a large stone; he then put in his head and called to Fraser, " Do you hear, you sir? " but got no answer: he then put in his hands, and threw down deceased's breeches. He then came down from the ladder. At this time the panel was in a state of perspiration: he sat down on a stool, and the master of the house gave him a dram. Witness did not hear panel make any remarks as to the situation of the boy Fraser. Witness thinks, that, from panel's appearance, he knew the boy was dead.' — *Commons' Report*, pp. 136—138.

We have been thus particular in stating the case of the chimney sweepers, and in founding it upon the basis of facts, that we may make an answer to those profligate persons who are always ready to fling an air of ridicule upon the labours of humanity, because they are desirous that what they have not virtue to do themselves, should appear to be foolish and romantic when done by others. A still higher degree of depravity than this, is to want, every sort of compassion for human misery, when it is accompanied by filth, poverty, and ignorance, — to regulate humanity by the income tax, and to deem the bodily wretchedness and the dirty tears of the poor a fit subject for pleasantry and contempt. We should have been loath to believe, that such deep-seated and disgusting immorality existed in these days; but the notice of it is forced upon us. Nor must we pass over a set of marvellously weak gentlemen, who discover democracy and revolution in every effort to improve the condition of the lower orders, and to take off a little of the load of misery from those points where it presses the

hardest. Such are the men into whose heart Mrs. Fry has struck the deepest terror,—who abhor Mr. Bentham and his penitentiary; Mr. Bennet and his hulks; Sir James Mackintosh and his bloodless assizes; Mr. Tooke and his sweeping machines,—and every other human being who is great and good enough to sacrifice his quiet to his love for his fellow creatures. Certainly we admit that humanity is sometimes the veil of ambition or of faction; but we have no doubt that there are a great many excellent persons to whom it is misery to see misery, and pleasure to lessen it; and who, by calling the public attention to the worst cases, and by giving birth to judicious legislative enactments for their improvement, have made, and are making, the world somewhat happier than they found it. Upon these principles we join hands with the friends of the chimney sweepers, and most heartily wish for the diminution of their numbers, and the limitation of their trade.

We are thoroughly convinced there are many respectable master chimney sweepers; though we suspect their numbers have been increased by the alarm which their former tyranny excited, and by the severe laws made for their coercion: but even with good masters the trade is miserable,—with bad ones it is not to be endured; and the evidence already quoted shows us how many of that character are to be met with in the occupation of sweeping chimneys.

After all, we must own that it was quite right to throw out the bill for prohibiting the sweeping of chimneys by boys—because humanity is a modern invention; and there are many chimneys in old houses which cannot possibly be swept in any other manner. But the construction of chimneys should be attended to in some new building act; and the treatment of boys be watched over with the most severe jealousy of the law. Above all, those who have chimneys accessible to machinery, should encourage the use of machines*, and not think it beneath

* The price of a machine is fifteen shillings.

their dignity to take a little trouble, in order to do a great deal of good. We should have been very glad to have seconded the views of the Climbing Society, and to have pleaded for the complete abolition of climbing boys, if we could conscientiously have done so. But such a measure, we are convinced from the evidence, could not be carried into execution without great injury to property, and great increased risk of fire. The Lords have investigated the matter with the greatest patience, humanity, and good sense; and they do not venture, in their Report, to recommend to the House the abolition of climbing boys.

MISSION TO ASHANTEE. (E. Review, 1819.)

Mission from Cape Coast Castle to Ashantee, with a Statistical Account of that Kingdom, and Geographical Notices of other Parts of the Interior of Africa. By T. Edward Bowdich, Esq. Conductor. London, Murray. 1819.

Cape Coast Castle, or Cape Corso, is a factory of Africa, on the Gold Coast. The Portuguese settled here in 1610, and built the citadel; from which, in a few years afterwards, they were dislodged by the Dutch. In 1661, it was demolished by the English under Admiral Holmes; and by the treaty of Breda, it was made over to our Government. The latitude of Cape Coast Castle is 5° 6′ north; the longitude 1° 51′ west. The capital of the kingdom of Ashantee is Coomassie, the latitude of which is about 6° 30′ 20″ north, and the longitude 2° 6′ 30″ west. The mission quitted Cape Coast Castle on the 22d of April, and arrived at Coomassie about the 16th of May — halting two or three days on the route, and walking the whole distance, or carried by hammock-bearers at a foot-pace. The distance between the fort and the capital is not more than 150 miles, or about as far as from Durham to Edinburgh; and yet the kingdom of Ashantee was, before the mission of Mr. Bowdich, almost as much unknown to us as if it had been situated in some other planet. The country which surrounds Cape Coast Castle belongs to the Fantees; and, about the year 1807, an Ashantee army reached the coast for the first time. They invaded Fantee again in 1811, and, for the third time, in 1816. To put a stop to the horrible cruelties committed by the stronger on the weaker nation; to secure their own safety, endangered by the Ashantees; and to enlarge our knowledge of Africa — the Government of Cape Coast Castle persuaded the African Committee to send a deputation to the kingdom of Ashantee: and of this

embassy, the publication now before us is the narrative. The embassy walked through a beautiful country, laid waste by the recent wars, and arrived in the time we have mentioned, and without meeting with any remarkable accident, at Coomassie the capital. The account of their first reception there we shall lay before our readers.

'We entered Coomassie at two o'clock, passing under a fetish, or sacrifice of a dead sheep, wrapped up in red silk, and suspended between two lofty poles. 'Upwards of 5000 people, the greater part warriors, met us with awful bursts of martial music, discordant only in its mixture; for horns, drums, rattles, and gong-gongs, were all exerted with a zeal bordering on frenzy, to subdue us by the first impression. The smoke which encircled us from the incessant discharges of musketry, confined our glimpses to the foreground; and we were halted whilst the captains performed their Pyrrhic dance, in the centre of a circle formed by their warriors; where a confusion of flags, English, Dutch, and Danish, were waved and flourished in all directions; the bearers plunging and springing from side to side, with a passion of enthusiasm only equalled by the captains, who followed them, discharging their shining blunderbusses so close, that the flags now and then were in a blaze; and emerging from the smoke with all the gesture and distortion of maniacs. Their followers kept up the firing around us in the rear. The dress of the captains was a war cap, with gilded rams' horns projecting in front, the sides extended beyond all proportion by immense plumes of eagles' feathers, and fastened under the chin with bands of cowries. Their vest was of red cloth, covered with fetishes and saphies in gold and silver; and embroidered cases of almost every colour, which flapped against their bodies as they moved, intermixed with small brass bells, the horns and tails of animals, shells, and knives; long leopards' tails hung down their backs, over a small bow covered with fetishes. They wore loose cotton trousers, with immense boots of a dull red leather, coming half way up the thigh, and fastened by small chains to their cartouch or waist belt; these were also ornamented with bells, horses' tails, strings of amulets, and innumerable shreds of leather; a small quiver of poisoned arrows hung from their right wrist, and they held a long iron chain between their teeth, with a scrap of Moorish writing affixed to the end of it. A small spear was in their left hands, covered with red cloth and silk tassels; their black countenances heightened the effect of this attire, and completed a figure scarcely human.

'This exhibition continued about half an hour, when we were allowed to proceed, encircled by the warriors, whose numbers with the crowds of people, made our movement as gradual as if it had taken place in Cheapside; the several streets branching off to the right presented long vistas crammed with people; and those on the left hand being on an acclivity, innumerable rows of heads rose one above another: the large open porches of the houses, like the fronts of stages in small theatres, were filled with the better sort of females and children, all impatient to behold white men for the first time; their exclamations were drowned in the firing and music, but their gestures were in character with the scene. When we reached the palace, about half a mile from the place where we entered, we were again halted, and an open file was made, through which the bearers were passed, to deposit the presents and baggage in the house assigned to us. Here we were gratified by observing several of the caboceers (chiefs) pass by with their trains, the novel splendour of which astonished us. The bands, principally composed of horns and flutes, trained to play in concert, seemed to soothe our hearing into its natural tone again by their wild melodies; whilst the immense umbrellas, made to sink and rise from the jerkings of the bearers, and the large fans waving around, refreshed us with small currents of air, under a burning sun, clouds of dust, and a density of atmosphere almost suffocating. We were then squeezed, at the same funeral pace, up a long street, to an open-fronted house, where we were desired by a royal messenger to wait a further invitation from the king.'—(pp. 31—33.)

The embassy remained about four months, leaving one of their members behind as a permanent resident. Their treatment, though subjected to the fluctuating passions of barbarians, was, upon the whole, not bad; and a foundation appears to have been laid of future intercourse with the Ashantees, and a mean opened, through them, of becoming better acquainted with the interior of Africa.

The Moors, who seem (barbarians as they are) to be the civilisers of internal Africa, have penetrated to the capital of the Ashantees: they are bigoted and intolerant to Christians, but not sacrificers of human victims in their religious ceremonies;—nor averse to commerce; and civilised in comparison to most of the idolatrous

natives of Africa. From their merchants who resorted from various parts of the interior, Mr. Bowdich employed himself in procuring all the geographical details which their travels enabled them to afford. Timbuctoo they described as inferior to Houssa, and not at all comparable to Boornoo. The Moorish influence was stated to be powerful in it, but not predominant. A small river goes nearly round the town, overflowing in the rains, and obliging the people of the suburbs to move to an eminence in the centre of the town where the king lives. The king, a Moorish negro called Billabahada, had a few double-barrelled guns, which were fired on great occasions; and gunpowder was as dear as gold. Mr. Bowdich calculates Houssa to be N. E. from the Niger 20 days' journey of 18 miles each day; and the latitude and longitude to be 18° 59′ N. and 3° 59′ E. Boornoo was spoken of as the first empire in Africa. The Mahometans of Sennaar reckon it among the four powerful empires of the world; the other three being Turkey, Persia, and Abyssinia.

The Niger is only known to the Moors by the name of the *Quolla*, pronounced as *Quorra* by the negroes, who, from whatever countries they come, all spoke of this as the largest river with which they were acquainted; and it was the grand feature in all the routes to Ashantee, whether from *Houssa*, *Boornoo*, or the intermediate countries. The Niger, after leaving the lake Dibbri, was invariably described as dividing into two large streams; the Quolla, or the greater division, pursuing its course south-eastward, till it joined the *Bahr Abiad;* and the other branch running northward of east, near to Timbuctoo, and dividing again soon afterwards—the smaller division running northwards by *Yahoodee*, a place, of great trade, and the larger running directly eastward, and entering the lake *Caudi*, under the name of Gambaroo. 'The variety of this concurrent evidence respecting the *Gambaroo*, made an impression on my mind,' says Mr. Bowdich, 'almost amounting to conviction.' The same author adds, that he found the Moors very cautious in their accounts;

declining to speak unless they were positive — and frequently referring doubtful points to others whom they knew to be better acquainted with them.

The character of the present king is, upon the whole, respectable; but he is ambitious, has conquered a great deal, and is conquering still. He has a love of knowledge; and was always displeased when the European objects which attracted his attention were presented to him as gifts. His motives, he said, ought to be better understood, and more respect paid to his dignity and friendship. He is acute, capricious, and severe, but not devoid of humanity; and has incurred unpopularity on some occasions, by limiting the number of human sacrifices more than was compatible with strict orthodoxy. His general subjects of discourse with the Mission were war, legislation, and mechanics. He seemed very desirous of standing well in the estimation of his European friends; and put off a conversation, once, because he was a little tipsy, and at another time because he felt himself cross and out of temper.

The king, four aristocratical assessors, and the assembly of captains, are the three estates of the Ashantee government. The noble quartumvirate, in all matters of foreign policy, have a veto on the king's decisions. They watch, rather than share, the domestic administration; generally influencing it by their opinion, rather than controlling it by their authority. In exercising his judicial function, the king always retires in private with the aristocracy to hear their opinions. The course of succession in Ashantee is the brother, the sister's son, the son, and the chief slave.

The king's sisters may marry, or intrigue with any person they please, provided he is very strong and handsome; and these elevated and excellent women are always ready to set an example of submission to the laws of their country. The interest of money is about 300 per cent. A man may kill his own slave; or an inferior, for the price of seven slaves. Trifling thefts are punished by exposure. The property of the wife is distinct from that of the husband — though the king is

heir to it. Those accused of witchcraft are tortured to death. Slaves, if ill-treated, are allowed the liberty of transferring themselves to other masters.

The Ashantees believe that a higher sort of god takes care of the whites, and that they are left to the care of an inferior species of deities. Still the black kings and black nobility are to go to the upper gods after death, where they are to enjoy eternally the state and luxury which was their portion on earth. For this reason a certain number of cooks, butlers, and domestics of every description, are sacrificed on their tombs. They have two sets of priests: the one dwell in the temples, and communicate with the idols; the other species do business as conjurors and cunning men, tell fortunes, and detect small thefts. Half the offerings to the idols are (as the priests say) thrown into the river, the other half they claim as their own. The doors of the temples are, from motives of the highest humanity, open to run away slaves; but shut, upon a fee paid by the master to the priest. Every person has a small set of household gods, bought of the Fetishmen. They please their gods by avoiding particular sorts of meat; but the prohibited viand is not always the same. Some curry favour by eating no veal; some seek protection by avoiding pork; others say, that the real monopoly which the celestials wish to establish is that of beef — and so they piously and prudently rush into a course of mutton. They have the customary nonsense of lucky days, trial by ordeal, and libations and relics. The most horrid and detestable of their customs is their sacrifice of human victims, and the tortures preparatory to it. This takes place at all their great festivals, or Customs, as they are called. — Some of these occur every twenty-one days; and there are not fewer than a hundred victims immolated at each. Besides these, there are sacrifices at the death of every person of rank, more or less bloody according to their dignity. On the death of his mother, the king butchered no less than *three thousand* victims; and on his own death this number would probably be doubled. The funeral rites of a great captain

were repeated weekly for three months; and 200 persons, it is said, were slaughtered each time, or 2400 in all. The author gives an account of the manner of these abominations, in one instance of which he was an unwilling spectator. On the funeral of the mother of Quatchie Quofie, which was by no means a great one,—

'A dash of sheep and rum was exchanged between the king and Quatchie Quofie, and the drums announced the sacrifice of the victims. All the chiefs first visited them in turn; I was not near enough to distinguish wherefore. The executioners wrangled and struggled for the office: and the indifference with which the first poor creature looked on, in the torture he was from the knife passed through his cheeks, was remarkable. The nearest executioner snatched the sword from the others, the right hand of the victim was then lopped off, he was thrown down, and his head was sawed rather than cut off; it was cruelly prolonged, I will not say wilfully. Twelve more were dragged forward, but we forced our way through the crowd, and retired to our quarters. Other sacrifices, principally female, were made in the bush where the body was buried. It is usual to "wet the grave" with the blood of a freeman of respectability. All the retainers of the family being present, and the heads of all the victims deposited in the bottom of the grave, several are unsuspectingly called on in a hurry to assist in placing the coffin or basket; and just as it rests on the heads or skulls, a slave from behind stuns one of these freemen by a violent blow, followed by a deep gash in the back part of the neck, and he is rolled in on the top of the body, and the grave instantly filled up.'—(pp. 287, 288.)

'About a hundred persons, mostly culprits reserved, are generally sacrificed, in different quarters of the town, at this custom (that is, at the feast for the new year). Several slaves were also sacrificed at Bantama, over the large brass pan, their blood mingling with the various vegetable and animal matter within (fresh and putrefied), to complete the charm, and produce invincible fetish. All the chiefs kill several slaves, that their blood may flow into the hole from whence the new yam is taken. Those who cannot afford to kill slaves, take the head of one already sacrificed, and place it on the hole.'—(p. 279.)

The Ashantees are very superior in discipline and courage to the water-side Africans: they never pursue when it is near sunset: the general is always in the

rear, and the fugitives are instantly put to death. The army is prohibited, during the active part of the campaign, from all food but meal, which each man carries in a small bag by his side, and mixes in his hands with the first water he comes to; no fires are allowed, lest their position should be betrayed; they eat little select bits of the first enemy's heart whom they kill; and all wear ornaments of his teeth and bones.

In their buildings, a mould is made for receiving the clay, by two rows of stakes placed at a distance equal to the intended thickness of the wall: the interval is then filled with gravelly clay mixed with water, which, with the outward surface of the framework, is plastered so as to exhibit the appearance of a thick mud wall. The captains have pillars which assist to support the roof, and form a proscenium, or open front. The steps and raised floors of the rooms are clay and stone, with a thick layer of red earth, washed and painted daily.

'While the walls are still soft, they formed moulds or frameworks of the patterns in delicate slips of cane, connected by grass. The two first slips (one end of each being inserted in the soft wall) projected the relief, commonly mezzo: the interstices were then filled up with the plaster, and assumed the appearance depicted. The poles or pillars were sometimes encircled by twists of cane, intersecting each other, which, being filled up with thin plaster, resembled the lozenge and cable ornaments of the Anglo-Norman order; the quatre-foil was very common, and by no means rude, from the symmetrical bend of the cane which formed it. I saw a few pillars (after they had been squared with the plaster), with numerous slips of cane pressed perpendicularly on to the wet surface, which being covered again with a very thin coat of plaster, closely resembled fluting. When they formed a large arch, they inserted one end of a thick piece of cane in the wet clay of the floor or base, and, bending the other over, inserted it in the same manner; the entablature was filled up with wattle-work plastered over. Arcades and piazzas were common. A white-wash, very frequently renewed, was made from a clay in the neighbourhood. Of course the plastering is very frail, and in the relief frequently discloses the edges of the cane, giving, however, a piquant effect, auxiliary to the ornament. The doors were an entire piece of cotton wood, cut with great labour

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out of the stems or buttresses of that tree; battens variously cut and painted were afterwards nailed across. So disproportionate was the price of labour to that of provision, that I gave but two tokoos for a slab of cotton wood, five feet by three. The locks they use are from Houssa, and quite original: one will be sent to the British Museum. Where they raised a first floor, the under room was divided into two by an intersecting wall, to support the rafters for the upper room, which were generally covered with a frame-work thickly plastered over with red ochre. I saw but one attempt at flooring with plank; it was cotton wood shaped entirely with an adze, and looked like a ship's deck. The windows were open wood-work, carved in fanciful figures and intricate patterns, and painted red; the frames were frequently cased in gold, about as thick as cartridge paper. What surprised me most, and is not the least of the many circumstances deciding their great superiority over the generality of negroes, was the discovery that every house had its cloacæ, besides the common ones for the lower orders without the town.'— (pp. 305, 306.)

The rubbish and offal of each house are burnt every morning at the back of the street; and they are as nice in their dwellings as in their persons. The Ashantee loom is precisely on the same principles as the English: the fineness, variety, brilliancy, and size of their cloths is astonishing. They paint white cloths not inelegantly, as fast as an European can write. They excel in pottery, and are good goldsmiths. Their weights are very neat brass casts of almost every animal, fruit, and vegetable, known in the country. The king's scales, blow-pan, boxes, weights, and pipe-tongs were neatly made of the purest gold. They work finely in iron, tan leather, and are excellent carpenters.

Mr. Bowdich computes the number of men capable of bearing arms to be 204,000. The disposable force is 150,000; the population a million; the number of square miles 14,000. Polygamy is tolerated to the greatest extent; the king's allowance is 3333 wives; and the full complement is always kept up. Four of the principal streets in Coomassie are half a mile long, and from 50 to 100 yards wide. The streets were all named, and a superior captain in charge of each. The

street where the Mission was lodged was called Apper-emsoo, or *Cannon Street;* another street was called Dae-brim, or *Great Market Street;* another *Prison Street*, and so on. A plan of the town is given. The Ashantees persisted in saying, that the population of Coomassie was above 100,000; but this is thought, by the gentlemen of the Mission, to allude rather to the population collected on great occasions, than the permanent residents, not computed by them at more than 15,000. The markets were daily; and the articles for sale, beef, mutton, wild-hog, deer, monkeys' flesh, fowls, yams, plaintains, corn, sugar-cane, rice, peppers, vegetable butter, oranges, papans, pine-apples, bananas, salt and dried fish, large snails smoke-dried; palm wine, rum, pipes, beads, looking-glasses; sandals, silk, cotton cloth, powder, small pillars, white and blue thread, and calabashes. The cattle in Ashantee are as large as English cattle; their sheep are hairy. They have no implement but the hoe; have two crops of corn in the year; plant their yams at Christmas, and dig them up in September. Their plantations, extensive and orderly, have the appearance of hop-gardens well fenced in, and regularly planted in lines, with a broad walk around, and a hut at each wicker-gate, where a slave and his family reside to protect the plantation. All the fruits mentioned as sold in the market grew in spontaneous abundance, as did the sugar-cane. The oranges were of a large size and exquisite flavour. There were no cocoa trees. The berry which gives to acids the flavour of sweets, making limes taste like honey, is common here. The castor-oil plant rises to a large tree. The cotton tree sometimes rises to the height of 150 feet.

The great obstacle to the improvement of commerce with the Ashantee people (besides the jealousy natural to barbarians) is our rejection of the slave trade, and the continuance of that detestable traffic by the Spaniards. While the Mission was in that country, one thousand slaves left Ashantee for two Spanish schooners on the coast.—How is an African monarch to be taught that he has not a right to turn human creatures into

rum and tobacco? or that the nation which prohibits such an intercourse, are not his enemies? To have free access to Ashantee, would command Dagwumba. The people of Inta and Dagwumba being commercial, rather than warlike, an intercourse with them would be an intercourse with the interior, as far as Timbuctoo and Houssa northwards, and Cassina, if not Boornoo, eastwards.

After the observation of Mr. Bowdich, senior officer of the Mission, follows the narrative of Mr. Hutchinson, left as chargé d'affaires, upon the departure of the other gentlemen. Mr. Hutchinson mentions some white men residing at Yenné, whom he supposes to have been companions of Park; and Ali Baba, a man of good character and consideration, upon the eve of departure from these regions, assured him, that there were two Europeans then resident at Timbuctoo. — In his observations on the river Gaboon, Mr. Bowdich has the following information on the present state of the slave trade: —

'Three Portuguese, one French, and two large Spanish ships, visited the river for slaves during our stay; and the master of a Liverpool vessel assured me that he had fallen in with twenty-two between Gaboon and the Congo. Their grand rendezvous is Mayumba. The Portuguese of St. Thomas's and Prince's Islands send small schooner boats to Gaboon for slaves, which are kept, after they are transported this short distance, until the coast is clear for shipping them to America. A third large Spanish ship, well armed, entered the river the night before we quitted it, and hurried our exit, for one of that character was committing piracy in the neighbouring rivers. Having suffered from falling into their hands before, I felicitated myself on the escape. We were afterwards chased and boarded by a Spanish armed schooner, with three hundred slaves on board; they only desired provisions.'

These are the most important extracts from this publication, which is certainly of considerable importance, from the account it gives us of a people hitherto almost entirely unknown; and from the light which the very diligent and laborious inquiries of Mr. Bowdich have

thrown upon the geography of Africa, and the probability held out to us of approaching the great kingdoms on the Niger, by means of an intercourse, by no means difficult to be established with the kingdoms of Inta and Dagwumba. The river Volta flows into the Gulf of Guinea, in latitude 7° north. It is navigable, and by the natives navigated for ten days, to Odentee. Now, from Odentee to Sallagha, the capital of the kingdom of Inta, is but four days' journey; and seven days' journey from Sallagha, through the Inta Jam of Zengoo, is Yahndi, the capital of Dagwumba. Yahndi is described to be beyond comparison larger than Coomassie, the houses much better built and ornamented. The Ashantees who had visited it, told Mr. Bowdich they had frequently lost themselves in the streets. The king has been converted by the Moors, who have settled themselves there in great numbers. Mr. Lucas calls it the Mahometan kingdom of Degomba; and it was represented to him as peculiarly wealthy and civilised. The markets of Yahndi are described as animated scenes of commerce, constantly crowded with merchants from almost all the countries of the interior. It seems to us, that the best way of becoming acquainted with Africa, is not to plan such sweeping expeditions as have been lately sent out by Government, but to submit to become acquainted with it by degrees, and to acquire by little and little a knowledge of the best methods of arranging expeditions. The kingdom of Dagwumba, for instance, is not 200 miles from a well-known and regular water carriage, on the Volta. Perhaps it is nearer, but the distance is not greater than this. It is one of the most commercial nations in Africa, and one of the most civilised: and yet it is utterly unknown, except by report, to Europeans. — Then why not plan an expedition to Dagwumba? The expense of which would be very trifling, and the issue known in three or four months. The information procured from such a wise and moderate undertaking would enable any future mission to proceed with much greater ease and safety into the interior; or prevent them from proceeding, as they hitherto have done,

to their own destruction. We strongly believe, with Mr. Bowdich, that this is the right road to the Niger.

Nothing in this world is created in vain: lions, tigers, conquerors, have their use. Ambitious monarchs, who are the curse of civilised nations, are the civilisers of savage people. With a number of little independent hordes, civilisation is impossible. They must have a common interest before there can be peace; and be directed by one will before there can be order. When mankind are prevented from daily quarrelling and fighting, they first begin to improve; and all this, we are afraid, is only to be accomplished, in the first instance, by some great conqueror. We sympathise, therefore, with the victories of the King of Ashantee — and feel ourselves, for the first time, in love with military glory. The ex-Emperor of the French would, at Coomassie, Dagwumba, or Inta, be an eminent benefactor to the human race.

AMERICA. (E. Review, 1820.)

Statistical Annals of the United States of America. By Adam Seybert. 4to. Philadelphia, 1818.

This is a book of character and authority; but it is a very large book; and therefore we think we shall do an acceptable service to our readers, by presenting them with a short epitome of its contents, observing the same order which has been chosen by the author. The whole, we conceive, will form a pretty complete picture of America, and teach us how to appreciate that country, either as a powerful enemy or a profitable friend. The first subject with which Mr. Seybert begins, is the Population of the United States.

Population.—As representatives and direct taxes are apportioned among the different States in proportion to their numbers, it is provided for in the American Constitution, that there shall be an actual enumeration of the people every ten years. It is the duty of the marshals in each State to number the inhabitants of their respective districts: and a correct copy of the lists, containing the names of the persons returned, must be set up in a public place within each district, before they are transmitted to the Secretary of State:—they are then laid before Congress by the President. Under this Act three census, or enumerations of the people, have been already laid before Congress—for the years 1790, 1800, and 1810. In the year 1790, the population of America was 3,921,326 persons, of whom 697,697 were slaves. In 1800, the numbers were 5,319,762, of which 896,849 were slaves. In 1810, the numbers were 7,239,903, of whom 1,191,364 were slaves; so that at the rate at which free population has proceeded between 1790 and 1810, it doubles itself, in the United States, in a very little more than 22 years. The slave population, according to its rate of proceeding in the same time, would be doubled in about 26 years.

The increase of the slave population in this statement is owing to the importation of negroes between 1800 and 1808, especially in 1806 and 1807, from the expected prohibition against importation. The number of slaves was also increased by the acquisitions of territory in Louisiana, where they constituted nearly half the population. From 1801 to 1811, the inhabitants of Great Britain acquired an augmentation of 14 per cent; the Americans, within the same period, were augmented 36 per cent.

Emigration seems to be of very little importance to the United States. In the year 1817, by far the most considerable year of emigration, there arrived in ten of the principal ports of America, from the Old World, 22,000 persons as passengers. The number of emigrants, from 1790 to 1810, is not supposed to have exceeded 6000 per annum. None of the separate States have been retrograde during these three enumerations, though some have been nearly stationary. The most remarkable increase is that of New York, which has risen from 340,120 in the year 1790, to 959,049 in the year 1810. The emigration from the Eastern to the Western States is calculated at 60,000 persons per annum. In all the American enumerations, the males uniformly predominate in the proportion of about 100 to 92. We are better off in Great Britain and Ireland, — where the women were to the men, by the census of 1811, as 110 to 100. The density of population in the United States is less than 4 persons to a square mile ; that of Holland in 1803, was 275 to the square mile ; that of England and Wales, 169. So that the fifteen provinces which formed the Union in 1810, would contain, if they were as thickly peopled as Holland, 135 millions of souls.

The next head is that of *Trade* and *Commerce*. — In 1790, the Exports of the United States were above 19 millions of dollars ; in 1791, above 20 millions ; in 1792, 26 millions ; in 1793, 33 millions of dollars. Prior to 1795, there was no discrimination, in the American Treasury accounts, between the exportation of domestic, and the re-exportation of foreign articles. In 1795, the aggregate value of the merchandise exported was

67 millions of dollars, of which the foreign produce re-exported was 26 millions. In 1800, the total value of exports was 94 millions; in 1805, 101 millions; and in 1808, when they arrived at their maximum, 108 millions dollars. In the year 1809, from the effects of the French and English Orders in Council, the exports fell to 52 millions of dollars; in 1810 to 66 millions; in 1811, to 61 millions. In the first year of the war with England, to 38 millions; in the second to 27; in the year 1814, when peace was made, to 6 millions. So that the exports of the republic in six years, had tumbled down from 108 to 6 millions of dollars: after the peace, in the years 1815–16–17, the exports rose to 52, 81, 87 millions of dollars.

In 1817, the exportation of cotton was 85 millions pounds. In 1815, the sugar made on the banks of the Mississippi was 10 millions pounds. In 1792, when the wheat trade was at the maximum, a million and a half of bushels were exported. The proportions of the exports to Great Britain, Spain, France, Holland, and Portugal, on an average of ten years ending 1812, are as 27, 16, 13, 12, and 7; the actual value of exports to the dominions of Great Britain, in the three years ending 1804, were consecutively, in millions of dollars, 16, 17, 13.

Imports.—In 1791, the imports of the United States were 19 millions; on an average of three consecutive years, ending 1804 inclusive, they were 68 millions; in 1806–7, they were 138 millions; and in 1815, 133 millions of dollars. The annual value of the imports, on an average of three years ending 1804, was 75 millions, of which the dominions of Great Britain furnished nearly one half. On an average of three years ending in 1804, America imported from Great Britain to the amount of about 36 millions, and returned goods to the amount of about 23 millions. Certainly these are countries that have some better employment for their time and energy than cutting each other's throats, and may meet for more profitable purposes.—The American imports from the dominions of Great Britain, before the

great American war, amounted to about 3 millions sterling; soon after the war, to the same. From 1805 to 1811, both inclusive, the average annual exportation of Great Britain to all parts of the world, in real value, was about 43 millions sterling, of which one fifth, or nearly 9 millions, was sent to America.

Tonnage and *Navigation.* — Before the revolutionary war, the American tonnage, whether owned by British or American subjects, was about 127,000 tons; immediately after that war, 108,000. In 1789, it had amounted to 437,733 tons, of which 279,000 was American property. In 1790, the total was 605,825, of which 354,000 was American. In 1816, the tonnage, all American, was 1,300,000. On an average of three years, from 1810 to 1812, both inclusive, the registered tonnage of the British empire was 2,459,000; or little more than double the American.

Lands. — All public lands are surveyed before they are offered for sale; and divided into townships of six miles square, which are subdivided into thirty-six sections of one mile square, containing each 640 acres. The following lands are excepted from the sales. — One thirty-sixth part of the lands, or a section of 640 acres in each township, is uniformly reserved for the support of schools; seven entire townships, containing each 23,000 acres, have been reserved in perpetuity for the support of learning: all salt springs and lead mines are also reserved. The Mississippi, the Ohio, and all the navigable rivers and waters leading into either, or into the river St. Lawrence, remain common highways, and for ever free to all the citizens of the United States, without payment of any tax. All the other public lands, not thus excepted, are offered for public sale in quarter sections of 160 acres, at a price not less than two dollars per acre, and as much more as they will fetch by public auction. It was formerly the duty of the Secretary of the Treasury to superintend the sale of lands. In 1812, an office, denominated the General Land-Office, was instituted. The public lands sold prior to the opening of the land-offices, amounted to one million and a half of

acres. The aggregate of the sales since the opening of the land-offices, N. W. of the river Ohio, to the end of September, 1817, amounted to 8,469,644 acres; and the purchase-money to 18,000,000 dollars. The lands sold since the opening of the land offices in the Mississippi territory, amount to 1,600,000 acres. The stock of unsold land on hand is calculated at 400,000,000 acres. In the year 1817 there were sold above two millions of acres.

Post-Office. — In 1789, the number of post-offices in the United States was seventy-five; the amount of postage 38,000 dollars: the miles of post-road 1800. In 1817, the number of post-offices was 3,459; the amount of postage 961,000 dollars; and the extent of post-roads 51,600 miles.

Revenue. — The revenues of the United States are derived from the customs; from duties on distilled spirits, carriages, snuff, refined sugar, auctions, stamped paper, goods, wares, and merchandise manufactured within the United States, household furniture, gold and silver watches, and postage of letters; from monies arising from the sale of public lands, and from fees on letters-patent. The following are the duties paid at the custom-house for some of the principal articles of importation: — $7\frac{1}{2}$ per cent. on dyeing drugs, jewellery, and watchwork; 15 per cent. on hempen cloth, and on all articles manufactured from iron, tin, brass, and lead — on buttons, buckles, china, earthenware, and glass, except window glass; 25 per cent. on cotton and woollen goods, and cotton twist; 30 per cent. on carriages, leather, and leather manufactures, &c.

The average annual produce of the customs, between 1801 and 1810, both inclusive, was about twelve millions of dollars. In the year 1814, the customs amounted *only to four millions;* and, in the year 1815, the first year after the war, rose to thirty-seven millions. From 1789 to 1814, the customs have constituted 65 per cent. of the American revenues; loans 26 per cent; and all other branches 8 to 9 per cent. They collect their customs at

about 4 per cent.;—the English expense of collection is 6*l.* 2*s.* 6*d.* per cent.

The duty upon spirits is extremely trifling to the consumer — not a penny per gallon. The number of distilleries is about 15,000. The licences produce a very inconsiderable sum. The tax laid upon carriages in 1814, varied from fifty dollars to one dollar, according to the value of the machine. In the year 1801, there were more than fifteen thousand carriages of different descriptions paying duty. The furniture tax seems to have been a very singular species of tax, laid on during the last war. It was an *ad valorem* duty upon all the furniture in any man's possession, the value of which exceeded 600 dollars. Furniture cannot be estimated without domiciliary visits, nor domiciliary visits allowed without tyranny and vexation. An information laid against a new arm chair, or a clandestine side-board — a search-warrant, and a conviction consequent upon it — have much more the appearance of English than American liberty. The licence for a watch, too, is purely English. A truly free Englishman walks out covered with licences. It is impossible to convict him. He has paid a guinea for his powdered head — a guinea for the coat of arms upon his seals — a three guinea licence for the gun he carries upon his shoulder to shoot game; and is so fortified with permits and official sanctions, that the most eagle-eyed informer cannot obtain the most trifling advantage over him.

America has borrowed, between 1791 and 1815, one hundred and seven millions of dollars, of which forty-nine millions were borrowed in 1813 and 1814. The internal revenue in the year 1815 amounted to eight millions of dollars; the gross revenue of the same year, including the loan, to fifty-one millions of dollars.

Army. — During the late war with Great Britain, Congress authorised the raising of 62,000 men for the armies of the United States, — though the actual number raised never amounted to half that force. In February, 1815, the army of the United States did not amount to

more than 32,000 men; in January, 1814, to 23,000.* The recruiting service, as may be easily conceived, where the wages of labour are so high, goes on very slowly in America. The military peace establishment was fixed in 1815 at 10,000 men. The Americans are fortunately exempt from the insanity of garrisoning little rocks and islands all over the world; nor would they lavish millions upon the ignoble end of the Spanish Peninsula — the most useless and extravagant possession with which any European power was ever afflicted. In 1812, any recruit honourably discharged from the service was allowed three months' pay, and 160 acres of land. In 1814, every non-commissioned officer, musician, and private, who enlisted, and was afterwards honourably discharged, was allowed, upon such discharge, 320 acres. The enlistment was for five years, or during the war. The widow, child, or parent of any person enlisted, who was killed or died in the service of the United States, was entitled to receive the same bounty in land.

Every free white male between eighteen and forty-five, is liable to be called out in the militia, which is stated, in official papers, to amount to 748,000 persons.

Navy. — On the 8th of June, 1781, the Americans had only one vessel of war, the *Alliance;* and that was thought to be too expensive,—it was sold! The attacks of the Barbary powers first roused them to form a navy; which, in 1797, amounted to three frigates. In 1814, besides a great increase of frigates, four seventy-fours were ordered to be built. In 1816, in consequence of some brilliant actions of their frigates, the naval service had become very popular throughout the United States. One million of dollars were appropriated annually, for eight years, to the gradual increase of the navy; nine seventy-fours †, and twelve forty-four gun ships were ordered to be built. Vacant and unappropriated lands

* Peace with Great Britain was signed in December, 1814, at Ghent.

† The American seventy-four gun ships are as big as our first-rates, and their frigates nearly as big as ships of the line.

belonging to the United States, fit to produce oak and cedar, were to be selected for the use of the navy. The peace establishment of the marine corps was increased, and six navy yards were established. We were surprised to find Dr. Seybert complaining of a want of ship timber in America. 'Many persons (he says) believe that our stock of live oak is very considerable; but upon good authority we have been told, in 1801, that supplies of live oak from Georgia will be obtained with great difficulty, and that the larger pieces are very scarce.' In treating of naval affairs, Dr. Seybert, with a very different purpose in view, pays the following involuntary tribute to the activity and effect of our late naval warfare against the Americans.

'For a long time the majority of the people of the United States was opposed to an extensive and permanent Naval establishment: and the force authorised by the Legislature, until very lately, was intended for temporary purposes. A navy was considered to be beyond the financial means of our country; and it was supposed the people would not submit to be taxed for its support. Our brilliant success in the late war has changed the public sentiment on this subject: many persons who formerly opposed the Navy, now consider it as an essential means for our defence. The late transactions on the borders of the Chesapeak Bay cannot be forgotten; the extent of that immense estuary enabled the enemy to sail triumphant into the interior of the United States. For hundreds of miles along the shores of that great bay, our people were insulted; our towns were ravaged and destroyed; a considerable population was teased and irritated; depredations were hourly committed by an enemy who could penetrate into the bosom of the country, without our being able to molest him whilst he kept on the water. By the time a sufficient force was collected, to check his operations in one situation, his ships had already transported him to another, which was feeble, and offered a booty to him. An army could make no resistance to this mode of warfare; the people were annoyed; and they suffered in the field only to be satisfied of their inability to check those who had the dominion upon our waters. The inhabitants who were in the immediate vicinity, were not alone affected by the enemy; his operations extended their influence to our great towns on the Atlantic coast; domestic intercourse and internal commerce were interrupted, whilst that

with foreign nations was, in some instances, entirely suspended. The Treasury documents for 1814 exhibit the phenomenon of the State of Pennsylvania not being returned in the list of the exporting States. We were not only deprived of revenue, but our expenditures were very much augmented. It is probable the amount of the expenditures incurred on the borders of the Chesapeak, would have been adequate to provide naval means for the defence of those waters: the people might then have remained at home, secure from depredation in the pursuit of their tranquil occupations. The expenses of the Government, as well as of individuals, were very much augmented for every species of transportation. Every thing had to be conveyed by land carriage. Our communication with the ocean was cut off. One thousand dollars were paid for the transportation of each of the thirty-two pounder cannon from Washington city to Lake Ontario, for the public service. Our roads became almost impassable from the heavy loads which were carried over them. These facts should induce us, in times of tranquillity, to provide for the national defence, and execute such internal improvements as cannot be effected during the agitations of war.'—(p. 679.)

Expenditure. — The President of the United States receives about 6000*l.* a year; the Vice-President about 600*l.*; the deputies to Congress have 8 dollars per day, and 8 dollars for every 20 miles of journey. The First Clerk of the house of Representatives receives about 750*l.* per annum; the Secretary of State, 1200*l.*; the Postmaster-general, 750*l.*; the Chief Justice of the United States, 1000*l.*; a Minister Plenipotentiary, 2200*l.* per annum. There are, doubtless, reasons why there should be two noblemen appointed in this country as Postmasters-General, with enormous salaries, neither of whom know a twopenny post letter from a general one, and where further retrenchments are stated to be impossible. This is clearly a case to which that impossibility extends. But these are matters where a prostration of understanding is called for; and good subjects are not to reason, but to pay. If, however, we were ever to indulge in the Saxon practice of looking into our own affairs, some important documents might be derived from these American salaries. Jonathan, for instance, sees

no reason why the first clerk of his House of Commons should derive emoluments from his situation to the amount of 6000*l.* or 7000*l.* per annum; but Jonathan is vulgar and arithmetical. The total expenditure of the United States varied, between 1799 and 1811, both inclusive, from 11 to 17 millions dollars. From 1812 to 1814, both inclusive, and all these years of war with this country, the expenditure was consecutively 22, 29, and 38 millions dollars. The total expenditure of the United States, for 14 years from 1791 to 1814, was 333 millions dollars; of which, in the three last years of war with this country, from 1812 to 1814, there were expended 100 millions of dollars, of which only 35 were supplied by revenue, the rest by loans and government paper. The sum total received by the American Treasury from the 3d of March, 1789, to the 31st of March, 1816, is 354 millions dollars; of which 107 millions have been raised by loan, and 222 millions by the customs and tonnage: so that, exclusive of the revenue derived from loans, 222 parts out of 247 of the American revenue have been derived from foreign commerce. In the mind of any sensible American, this consideration ought to prevail over the few splendid actions of their half dozen frigates, which must, in a continued war, have been, with all their bravery and activity, swept from the face of the ocean by the superior force and equal bravery of the English. It would be the height of madness in America to run into another naval war with this country if it could be averted by any other means than a sacrifice of proper dignity and character. They have, comparatively, no land revenue; and, in spite of the *Franklin* and *Guerrière*, though lined with cedar and mounted with brass cannon, they must soon be reduced to the same state which has been described by Dr. Seybert, and from which they were so opportunely extricated by the treaty of Ghent. David Porter and Stephen Decatur are very brave men; but they will prove an unspeakable misfortune to their country, if they inflame Jonathan into a love of naval glory, and inspire him with any other love of war than

that which is founded upon a determination not to submit to serious insult and injury.

We can inform Jonathan what are the inevitable consequences of being too fond of glory; — TAXES *upon every article which enters into the mouth, or covers the back, or is placed under the foot — taxes upon every thing which it is pleasant to see, hear, feel, smell, or taste — taxes upon warmth, light, and locomotion — taxes on every thing on earth, and the waters under the earth — on every thing that comes from abroad, or is grown at home — taxes on the raw material — taxes on every fresh value that is added to it by the industry of man — taxes on the sauce which pampers man's appetite, and the drug that restores him to health — on the ermine which decorates the judge, and the rope which hangs the criminal — on the poor man's salt, and the rich man's spice — on the brass nails of the coffin, and the ribands of the bride — at bed or board, couchant or levant, we must pay. — The schoolboy whips his taxed top — the beardless youth manages his taxed horse, with a taxed bridle, on a taxed road: — and the dying Englishman, pouring his medicine, which has paid 7 per cent. into a spoon that has paid 15 per cent. — flings himself back upon his chintz bed, which has paid 22 per cent. — and expires in the arms of an apothecary who has paid a licence of a hundred pounds for the privilege of putting him to death. His whole property is then immediately taxed from 2 to 10 per cent. Besides the probate, large fees are demanded for burying him in the chancel; his virtues are handed down to posterity on taxed marble; and he is then gathered to his fathers — to be taxed no more.* In addition to all this, the habit of dealing with large sums will make the Government avaricious and profuse; and the system itself will infallibly generate the base vermin of spies and informers, and a still more pestilent race of political tools and retainers of the meanest and most odious description; — while the prodigious patronage which the collecting of this splendid revenue will throw into the hands of Government, will invest it with so vast an influence, and hold out such means and temptations to corruption, as all the virtue and public spirit, even of republicans, will be unable to resist.

Every wise Jonathan should remember this, when he sees the rabble huzzaing at the heels of the truly respectable Decatur, or inflaming the vanity of that still more popular leader, whose justification has lowered the character of his Government with all the civilised nations of the world.

Debt.—America owed 42 millions of dollars after the revolutionary war; in 1790, 79 millions; in 1803, 70 millions; and in the beginning of January, 1812, the public debt was diminished to 45 millions of dollars. After the last war with England, it had risen to 123 millions; and so it stood on the 1st of January, 1816. The total amount carried to the credit of the commissioners of the sinking fund, on the 31st of December, 1816, was about 34 millions of dollars.

Such is the land of Jonathan—and thus has it been governed. In his honest endeavours to better his situation, and in his manly purpose of resisting injury and insult, we most cordially sympathise. We hope he will always continue to watch and suspect his Government as he now does—remembering, that it is the constant tendency of those entrusted with power, to conceive that they enjoy it by their own merits, and for their own use, and not by delegation, and for the benefit of others. Thus far we are the friends and admirers of Jonathan. But he must not grow vain and ambitious; or allow himself to be dazzled by that galaxy of epithets by which his orators and newspaper scribblers endeavour to persuade their supporters that they are the greatest, the most refined, the most enlightened, and the most moral people upon earth. The effect of this is unspeakably ludicrous on this side of the Atlantic—and, even on the other, we should imagine, must be rather humiliating to the reasonable part of the population. The Americans are a brave, industrious, and acute people; but they have hitherto given no indications of genius, and made no approaches to the heroic, either in their morality or character. They are but a recent offset indeed from England; and should make it their chief boast, for many generations to come, that they are sprung from the

same race with Bacon and Shakspeare and Newton. Considering their numbers, indeed, and the favourable circumstances in which they have been placed, they have yet done marvellously little to assert the honour of such a descent, or to show that their English blood has been exalted or refined by their republican training and institutions. Their Franklins and Washingtons, and all the other sages and heroes of their revolution, were born and bred subjects of the King of England—and not among the freest or most valued of his subjects. And, since the period of their separation, a far greater proportion of their statesmen and artists and political writers have been foreigners, than ever occurred before in the history of any civilised and educated people. During the thirty or forty years of their independence, they have done absolutely nothing for the Sciences, for the Arts, for Literature, or even for the statesman-like studies of Politics or Political Economy. Confining ourselves to our own country, and to the period that has elapsed since *they* had an independent existence, we would ask, Where are their Foxes, their Burkes, their Sheridans, their Windhams, their Horners, their Wilberforces?—where their Arkwrights, their Watts, their Davys?—their Robertsons, Blairs, Smiths, Stewarts, Paleys, and Malthuses?—their Porsons, Parrs, Burneys, or Blomfields?—their Scotts, Rogers's, Campbells, Byrons, Moores, or Crabbes?—their Siddons's, Kembles, Keans, or O'Neils?—their Wilkies, Lawrences, Chantrys?—or their parallels to the hundred other names that have spread themselves over the world from our little island in the course of the last thirty years, and blest or delighted mankind by their works, inventions, or examples? In so far as we know, there is no such parallel to be produced from the whole annals of this self-adulating race. In the four quarters of the globe, who reads an American book? or goes to an American play? or looks at an American picture or statue? What does the world yet owe to American physicians or surgeons? What new substances have their chemists discovered? or what old ones have they analysed? What new constellations

have been discovered by the telescopes of Americans? What have they done in the mathematics? Who drinks out of American glasses? or eats from American plates? or wears American coats or gowns? or sleeps in American blankets? Finally, under which of the old tyrannical governments of Europe is every sixth man a slave, whom his fellow-creatures may buy and sell and torture?

When these questions are fairly and favourably answered, their laudatory epithets may be allowed: but till that can be done, we would seriously advise them to keep clear of superlatives.

POOR-LAWS. (E. Review, 1820.)

1. *Safe Method for rendering Income arising from Personal Property available to the Poor-Laws.* Longman & Co. 1819.
2. *Summary Review of the Report and Evidence relative to the Poor-Laws.* By S. W. Nicol. York.
3. *Essay on the Practicability of modifying the Poor-Laws.* Sherwood. 1819.
4. *Considerations on the Poor-Laws.* By John Davison, A.M. Oxford.

Our readers, we fear, will require some apology for being asked to look at any thing upon the Poor-Laws. No subject, we admit, can be more disagreeable, or more trite. But, unfortunately, it is the most important of all the important subjects which the distressed state of the country is now crowding upon our notice.

A pamphlet on the Poor-Laws generally contains some little piece of favourite nonsense, by which we are gravely told this enormous evil may be perfectly cured. The first gentleman recommends little gardens; the second cows; the third a village shop; the fourth a spade; the fifth Dr. Bell, and so forth. Every man rushes to the press with his small morsel of imbecility; and is not easy till he sees his impertinence stitched in blue covers. In this list of absurdities, we must not forget the project of supporting the poor from national funds, or, in other words, of immediately doubling the expenditure, and introducing every possible abuse into the administration of it. Then there are worthy men, who call upon gentlemen of fortune and education to become overseers — meaning, we suppose, that the present overseers are to perform the higher duties of men of fortune. Then Merit is set up as the test of relief; and their worships are to enter into a long examination of the life and cha-

racter of each applicant, assisted, as they doubtless would be, by candid overseers, and neighbours divested of every feeling of malice and partiality. The children are next to be taken from their parents, and lodged in immense pedagogueries of several acres each, where they are to be carefully secluded from those fathers and mothers they are commanded to obey and honour, and are to be brought up in virtue by the churchwardens.—And this is gravely intended as a corrective of the Poor-Laws; as if (to pass over the many other objections which might be made to it) it would not set mankind populating faster than carpenters and bricklayers could cover in their children, or separate twigs to be bound into rods for their flagellation. An extension of the Poor-Laws to personal property is also talked of. We should be very glad to see any species of property exempted from these laws, but have no wish that any which is now exempted should be subjected to their influence. The case would infallibly be like that of the Income-tax,—the more easily the tax was raised, the more profligate would be the expenditure. It is proposed also that alehouses should be diminished, and that the children of the poor should be catechised publicly in the church,—both very respectable and proper suggestions, but of themselves hardly strong enough for the evil. We have every wish that the poor should accustom themselves to habits of sobriety; but we cannot help reflecting, sometimes, that an alehouse is the only place where a poor tired creature, haunted with every species of wretchedness, can purchase three or four times a year three pennyworth of ale, a liquor upon which wine-drinking moralists are always extremely severe. We must not forget, among other nostrums, the eulogy of small farms—in other words, of small capital, and profound ignorance in the arts of agriculture;—and the evil is also thought to be curable by periodical contributions from men who have nothing, and can earn nothing without charity. To one of these plans, and perhaps the most plausible, Mr. Nicol has stated, in the following passage, objections that are applicable to almost all the rest.

'The district school would no doubt be well superintended and well regulated; Magistrates and Country Gentlemen would be its visiters. The more excellent the establishment, the greater the mischief; because the greater the expense. We may talk what we will of economy, but where the care of the poor is taken exclusively into the hands of the rich, comparative extravagance is the necessary consequence: to say that the Gentleman, or even the Overseer, would never permit the poor to live at the district school, as they live at home, is saying far too little. English humanity will never see the poor in any thing like want, when that want is palpably and visibly brought before it; first, it will give necessaries, next comforts; until its fostering care rather pampers, than merely relieves. The humanity itself is highly laudable; but if practised on an extensive scale, its consequences must entail an almost unlimited expenditure.

'Mr. Locke computes that the labour of a child from 3 to 14, being set against its nourishment and teaching, the result will be exoneration of the parish from expense. Nothing could prove more decisively the incompetency of the Board of Trade to advise on this question. Of the productive labour of the workhouse, I shall have to speak hereafter; I will only observe in this place, that after the greatest care and attention bestowed on the subject, after expensive looms purchased, &c., the 50 boys of the Blue Coat School earned in the year 1816, 59*l.* 10*s.* 3*d.*; the 40 girls earned, in the same time, 40*l.* 7*s.* 9*d.* The ages of these children are from 8 to 16. They earn about one pound in the year and cost about twenty.

'The greater the call for labour in public institutions, be they prisons, workhouses, or schools, the more difficult to be procured that labour must be. There will thence be both much less of it for the comparative numbers, and it will afford a much less price; to get any labour at all, one school must underbid another.

'It has just been observed, that "the child, of a poor cottager, half clothed, half fed, with the enjoyment of home and liberty, is not only happier but better than the little automaton of a parish workhouse:" and this I believe is accurately true. I scarcely know a more cheering sight, though certainly many more elegant ones, than the youthful gambols of a village green. They call to mind the description given by Paley of the shoals of the fry of fish: "They are so happy that they know not what to do with themselves; their attitude, their vivacity, their leaps out of the water, their frolics in it, all conduce to show their excess of spirits, and are simply the effects of that excess."

'Though politeness may be banished from the cottage, and though the anxious mother may sometimes chide a little too sharply, yet here both maternal endearments and social affection exist in perhaps their greatest vigour: the attachments of lower life, where independent of attachment there is so little to enjoy, far outstrip the divided if not exhausted sensibility of the rich and great; and in depriving the poor of these attachments, we may be said to rob them of their little all.

'But it is not to happiness only I here refer: it is to morals. I listen with great reserve to that system of moral instruction, which has not social affection for its basis, or the feelings of the heart for its ally. It is not to be concealed, that every thing may be taught, yet nothing learned, that systems planned with care and executed with attention, may evaporate into unmeaning forms, where the imagination is not roused, or the sensibility impressed.

'Let us suppose the children of the "district school," nurtured with that superabundant care which such institutions, when supposed to be well conducted, are wont to exhibit; they rise with the dawn; after attending to the calls of cleanliness, prayers follow; then a lesson; then breakfast; then work, till noon liberates them, for perhaps an hour, from the walls of their prison to the walls of their prison court. Dinner follows; and then, in course, work, lessons, supper, prayers; at length, after a day dreary and dull, the counterpart of every day which has preceded, and of all that are to follow, the children are dismissed to bed. — This system may construct a machine, but it will not form a man. Of what does it consist? of prayers parroted without one sentiment in accord with the words uttered: of moral lectures which the understanding does not comprehend, or the heart feel; of endless bodily constraint, intolerable to youthful vivacity, and injurious to the perfection of the human frame. — The cottage day may not present so imposing a scene; no decent uniform; no well-trimmed locks; no glossy skin; no united response of hundreds of conjoined voices; no lengthened procession, misnamed exercise; but if it has less to strike the eye, it has far more to engage the heart. A trifle in the way of cleanliness must suffice; the prayer is not forgot; it is perhaps imperfectly repeated, and confusedly understood; but it is not muttered as a vain sound; it is an earthly parent that tells of an heavenly one; duty, love, obedience, are not words without meaning, when repeated by a mother to her child: to God — the great unknown Being that made all things, all thanks, all praise, all adoration is due. The young religionist may be in some measure bewildered by all this; his notions may be ob-

scure, but his feelings will be roused, and the foundation at least of true piety will be laid.

'Of moral instruction, the child may be taught less at home than at school, but he will be taught better! that is, whatever he is taught he will feel; he will not have abstract propositions of duty coldly presented to his mind; but precept and practice will be conjoined; what he is told it is right to do will be instantly done. Sometimes the operative principle on the child's mind will be love, sometimes fear, sometimes habitual sense of obedience; it is always something that will impress, always something that will be remembered.'

There are two points which we consider as now admitted by all men of sense, — 1*st*, That the Poor-Laws must be abolished; 2*dly*, That they must be *very gradually* abolished.* We hardly think it worth while to throw away pen and ink upon any one who is still inclined to dispute either of these propositions.

With respect to the gradual abolition, it must be observed, that the present redundant population of the country has been entirely produced by the Poor-Laws: and nothing could be so grossly unjust, as to encourage people to such a vicious multiplication, and then, when you happen to discover your folly, immediately to starve them into annihilation. You have been calling upon your population for two hundred years to beget more children—furnished them with clothes, food, and houses —taught them to lay up nothing for matrimony, nothing for children, nothing for age—but to depend upon Justices of the Peace for every human want. The folly is now detected; but the people, who are the fruit of it, remain. It was madness to call them in this manner into existence; but it would be the height of cold-blooded

* I am not quite so wrong in this as I seem to be, nor after all our experience am I satisfied that there has not been a good deal of rashness and precipitation in the conduct of this admirable measure. You have not been able to carry the law into manufacturing counties. Parliament will compel you to soften some of the more severe clauses. It has been the nucleus of general insurrection and chartism. The Duke of Wellington wisely recommended that the experiment should be first tried in a few counties round the metropolis.

cruelty to get rid of them by any other than the most gentle and gradual means; and not only would it be cruel, but extremely dangerous, to make the attempt. Insurrections of the most sanguinary and ferocious nature would be the immediate consequence of any very sudden change in the system of the Poor-Laws; not partial, like those which proceed from an impeded or decaying state of manufactures, but as universal as the Poor-Laws themselves, and as ferocious as insurrections always are which are led on by hunger and despair.

These observations may serve as an answer to those angry and impatient gentlemen, who are always crying out, What has the Committee of the House of Commons done? — What have they to show for their labours? — Are the rates lessened? — Are the evils removed? The Committee of the House of Commons would have shown themselves to be a set of the most contemptible charlatans, if they had proceeded with any such indecent and perilous haste, or paid the slightest regard to the ignorant folly which required it at their hands. They have very properly begun, by collecting all possible information upon the subject; by consulting speculative and practical men; by leaving time for the press to contribute whatever it could of thought or knowledge to the subject; and by introducing measures, the effects of which will be, and are intended to be, gradual. The Lords seemed at first to have been surprised that the Poor-Laws were not abolished before the end of the first session of Parliament; and accordingly set up a little rival Committee of their own, which did little or nothing, and will not, we believe, be renewed. We are so much less sanguine than those noble legislators, that we shall think the improvement immense, and a subject of very general congratulation, if the Poor-rates are perceptibly diminished, and if the system of pauperism is clearly going down in twenty or thirty years hence.

We think, upon the whole, that Government have been fortunate in the selection of the gentleman who is placed at the head of the Committee for the revision of

the Poor-Laws; or rather, we should say (for he is a gentleman of very independent fortune), who has consented that he should be placed there. Mr. Sturges Bourne is undoubtedly a man of business, and of very good sense: he has made some mistakes; but, upon the whole, sees the subject as a philosopher and a statesman ought to do. Above all, we are pleased with his good nature and good sense in adhering to his undertaking, after the Parliament has flung out two or three of his favourite bills. Many men would have surrendered so unthankful and laborious an undertaking in disgust; but Mr. Bourne knows better what appertains to his honour and character, and, above all, what he owes to his country. It is a great subject; and such as will secure to him the gratitude and favour of posterity, if he bring it to a successful issue.

We have stated our opinion, that all remedies, without gradual abolition, are of little importance. With a foundation laid for such gradual abolition, every auxiliary improvement of the Poor-Laws (while they do remain) is worthy the attention of Parliament: and, in suggesting a few alterations as fit to be immediately adopted, we wish it to be understood, that we have in view the gradual destruction of the system, as well as its amendment while it continues to operate.

It seems to us, then, that one of the first and greatest improvements of this unhappy system would be a complete revision of the Law of Settlement. Since Mr. East's act for preventing the removal of the poor till they are actually chargeable, any man may live where he pleases, till he becomes a beggar, and asks alms of the place where he resides. To gain a settlement, then, is nothing more than to gain a right of begging: it is not, as it used to be before Mr. East's act, a power of residing where, in the judgment of the resident, his industry and exertion will be best rewarded; but a power of taxing the industry and exertions of other persons in the place where his settlement falls. This privilege produces all the evil complained of in the Poor-Laws; and instead therefore of being conferred with the

liberality and profusion which it is at present, it should be made of very difficult attainment, and liable to the fewest possible changes. The constant policy of our Courts of Justice has been, to make settlements easily obtained. Since the period we have before alluded to, this has certainly been a very mistaken policy. It would be a far wiser course to abolish all other means of settlement than those of Birth, Parentage, and Marriage,—not for the limited reason stated in the Committee, that it would diminish the law expenses, (though that, too, is of importance,) but because it would invest fewer residents with the fatal privilege of turning beggars, exempt a greater number of labourers from the moral corruption of the Poor-Laws, and stimulate them to exertion and economy, by the fear of removal if they are extravagant and idle. Of ten men who leave the place of their birth, four, probably, get a settlement by yearly hiring, and four others by renting a small tenement; while two or three may return to the place of their nativity, and settle there. Now, under the present system, here are eight men settled where they have a right to beg without being removed. The probability is, that they will all beg; and that their virtue will give way to the incessant temptation of the Poor-Laws: but if these men had felt from the very beginning, that removal from the place where they wished most to live would be the sure consequence of their idleness and extravagance, the probability is, that they would have escaped the contagion of pauperism, and been much more useful members of society than they now are. The best labourers in a village are commonly those who are living where they are legally settled, and have therefore no right to ask charity—for the plain reason, that they have nothing to depend upon but their own exertions: in short, for them the Poor-Laws hardly exist; and they are such as the great mass of English peasantry would be, if we had escaped the curse of these laws altogether.

It is incorrect to say, that no labourer would settle out of the place of his birth, if the means of acquiring a settlement were so limited. Many men begin the world

with strong hope and much confidence in their own fortune, and without any intention of subsisting by charity; but they see others subsisting in greater ease, without their toil — and their spirit gradually sinks to the meanness of mendicity.

An affecting picture is sometimes drawn of a man falling into want in the decline of life, and compelled to remove from the place where he has spent the greatest part of his days. These things are certainly painful enough to him who has the misfortune to witness them. But they must be taken upon a large scale; and the whole good and evil which they produce diligently weighed and considered. The question then will be, whether any thing can be more really humane, than to restrain a system which relaxes the sinews of industry, and places the dependence of laborious men upon any thing but themselves. We must not think only of the wretched sufferer who is removed, and, at the sight of his misfortunes, call out for fresh facilities to beg. We must remember the industry, the vigour, and the care which the dread of removal has excited, and the number of persons who owe their happiness and their wealth to that salutary feeling. The very person who, in the decline of life, is removed from the spot where he has spent so great a part of his time, would perhaps have been a pauper half a century before, if he had been afflicted with the right of asking alms in the place where he lived.

It has been objected that this plan of abolishing all settlements but those of birth, would send a man, the labour of whose youth had benefited some other parish, to pass the useless part of his life in a place for which he existed only as a burthen. Supposing that this were the case, it would be quite sufficient to answer, that any given parish would probably send away as many useless old men as it received; and after all, little inequalities must be borne for the general good. But, in truth, it is rather ridiculous to talk of a parish not having benefited by the labour of the man who is returned upon their hands in his old age. If such parish resemble

most of those in England, the absence of a man for thirty or forty years has been a great good instead of an evil; they have had many more labourers than they could employ; and the very man whom they are complaining of supporting for his few last years, would, in all probability, have been a beggar forty years before, if he had remained among them; or, by pushing him out of work, would have made some other man a beggar. Are the benefits derived from prosperous manufactures limited to the parishes which contain them? The industry of Halifax, Huddersfield, or Leeds is felt across the kingdom as far as the Eastern Sea. The prices of meat and corn at the markets of York and Malton are instantly affected by any increase of demand and rise of wages in the manufacturing districts to the west. They have benefited these distant places, and found labour for their superfluous hands by the prosperity of their manufactures. Where then would be the injustice, if the manufacturers, in the time of stagnation and poverty, were returned to their birth settlements? But as the law now stands, *population tumors*, of the most dangerous nature, may spring up in any parish: — a manufacturer, concealing his intention, may settle there, take 200 or 300 apprentices, fail, and half ruin the parish which has been the scene of his operations. For these reasons, we strongly recommend to Mr. Bourne to narrow as much as possible, in all his future bills, the means of acquiring settlements*, and to reduce them ultimately to parentage, birth, and marriage — convinced that, by so doing, he will, in furtherance of the great object of abolishing the Poor-Laws, be only *limiting the right of begging*, and preventing the resident and almsman from being (as they now commonly are) one and the same person. But, before we dismiss this part of the subject, we must say a few words upon the methods by which settlements are now gained.

In the settlement by hiring it is held, that a man has a

* This has been done.

claim upon the parish for support where he has laboured for a year; and yet another, who has laboured there for twenty years by short hirings, gains no settlement at all. When a man was not allowed to live where he was not settled, it was wise to lay hold of any plan for extending settlements. But the whole question is now completely changed; and the only point which remains is, to find out what mode of conferring settlements produces the least possible mischief. We are convinced it is by throwing every possible difficulty in the way of acquiring them. If a settlement hereafter should not be obtained in that parish in which labourers have worked for many years, it will be because it contributes materially to their happiness that they should not gain a settlement there; and this is a full answer to the apparent injustice.

Then, upon what plea of common sense should a man gain a power of taxing a parish to keep him, because he has rented a tenement of ten pounds a year there? or, because he has served the office of clerk, or sexton, or hog-ringer, or bought an estate of thirty pounds value? However good these various pleas might be for conferring settlements, if it were desirable to increase the facility of obtaining them, they are totally inefficacious if it can be shown, that the means of gaining new settlements should be confined to the limits of the strictest necessity.

These observations (if they have the honour of attracting his attention) will show Mr. Bourne our opinion of his bill, for giving the privilege of settlement only to a certain length of residence. In the *first* place, such a bill would be the cause of endless vexation to the poor, from the certainty of their being turned out of their cottages, before they pushed their legal taproot into the parish; and, *secondly*, it would rapidly extend all the evils of the Poor-Laws, by identifying, much more than they are at present identified, the resident and the settled man — the very opposite of the policy which ought to be pursued.

Let us suppose, then, that we have got rid of all the means of gaining a settlement, or right to become a beggar, except by birth, parentage, and marriage; for

the wife, of course, must fall into the settlement of the husband; and the children, till emancipated, must be removed, if their parents are removed. This point gained, the task of regulating the law expenses of the Poor-Laws would be nearly accomplished: for the most fertile causes of dispute would be removed. Every first settlement is an inexhaustible source of litigation and expense to the miserable rustics. Upon the simple fact, for example, of a farmer hiring a ploughman for a year, arise the following afflicting questions:—Was it an expressed contract? Was it an implied contract? Was it an implied hiring of the ploughman, rebutted by circumstances? Was the ploughman's contract for a year's prospective service? Was it a customary hiring of the ploughman? Was it a retrospective hiring of the ploughman? Was it a conditional hiring? Was it a general hiring? Was it a special, or a special yearly hiring, or a special hiring with wages reserved weekly? Did the farmer make it a special conditional hiring with warning, or an exceptive hiring? Was the service of the ploughman actual or constructive? Was there any dispensation expressed or implied?—or was there a dissolution implied?—by new agreement?—or mutual consent?—or by Justices?—or by any other of the ten thousand means which the ingenuity of lawyers has created? Can any one be surprised, after this, to learn, that the amount of appeals for removals, in the four Quarter Sessions ending Midsummer, 1817, were *four thousand seven hundred?* * Can any man doubt that it is necessary to reduce the hydra to as few heads as possible? or can any other objection be stated to such reduction, than the number of attorneys and provincial counsel, whom it will bring into the poor-house?—Mr. Nicol says, that the greater number of modes of settlement do not increase litigation. He may just as well say, that the number of the streets in the Seven Dials does not increase the difficulty of finding the way. The modes of settlement we have, are by far the simplest, and the evidence is assisted by registers.

* Commons' Report, 1817.

Under the head of Law Expenses, we are convinced a great deal may be done, by making some slight alteration in the law of removals. At present, removals are made without any warning to the parties to whom the pauper is removed; and the first intimation which the defendant parish receives of the projected increase of their population is, by the arrival of the father, mother, and eight or nine children at the overseer's door—where they are tumbled out, with the Justice's order about their necks, and left as a spectacle to the assembled and indignant parishioners. No sooner have the poor wretches become a little familiarised to their new parish, than the order is appealed against, and they are recarted with the same precipitate indecency—*Quo fata trahunt, retrahuntque.*

No removal should ever take place without due notice to the parish to which the pauper is to be removed, nor till the time in which it may be appealed against is past by. Notice to be according to the distance—either by letter or personally; and the decision should be made by the Justices at their petty sessions, with as much care and attention as if there were no appeal from their decision. An absurd notion prevails among Magistrates, that they need not take much trouble in the investigation of removals, because their errors may be corrected by a superior court; whereas it is an object of great importance, by a fair and diligent investigation in the nearest and cheapest court, to convince the country people which party is right and which is wrong; and in this manner to prevent them from becoming the prey of Law Vermin. We are convinced that this subject of the removal of poor is well worthy a short and separate bill. Mr. Bourne thinks it would be very difficult to draw up such a bill. We are quite satisfied we could draw up one in ten minutes that would completely answer the end proposed, and cure the evil complained of.

We proceed to a number of small details, which are well worth the attention of the Legislature.—Overseers' accounts should be given in quarterly, and passed by the Justices, as they now are, annually. The office of Overseers should be triennial. The accounts which have

nothing to do with the poor, such as the Constable's account, should be kept and passed separately from them; and the vestry should have the power of ordering a certain portion of the superfluous poor upon the roads. But we beseech all speculators in Poor-Laws to remember, that the machinery they must work with is of a very coarse description. An overseer must always be a limited, uneducated person, but little interested in what he is about, and with much business of his own on his hands. The extensive interference of gentlemen with those matters is quite visionary and impossible. If gentlemen were tidewaiters, the Custom-house would be better served; if gentlemen would become petty constables, the police would be improved; if bridges were made of gold, instead of iron, they would not rust. —But there are not enough of these articles for such purposes.

A great part of the evils of the Poor-Laws has been occasioned by the large powers intrusted to individual Justices. Every body is full of humanity and good-nature when he can relieve misfortune by putting his hand —in his neighbour's pocket. Who can bear to see a fellow-creature suffering pain and poverty, when he can order other fellow-creatures to relieve them? Is it in human nature, that A should see B in tears and misery, and not order C to assist him? Such a power must, of course, be liable to every degree of abuse; and the sooner the power of ordering relief can be taken out of the hands of Magistrates, the sooner shall we begin to experience some mitigation of the evils of the Poor-Laws. The Special-Vestry Bill is good for this purpose, as far as it goes; but it goes a very little way; and we much doubt if it will operate as any sort of abridgement to the power of Magistrates in granting relief. A single Magistrate must not act under this bill, but in cases of special emergency. But every case of distress is a case of special emergency: and the double Magistrates, holding their petty sessions at some little alehouse, and overwhelmed with all the monthly business of the hundred, cannot possibly give to the pleadings of the overseer and

pauper half the attention they would be able to afford them at their own houses.

The common people have been so much accustomed to resort to Magistrates for relief, that it is certainly a delicate business to wean them from this bad habit; but it is essential to the great objects which the Poor-Committee have in view, that the power of Magistrates of ordering relief should be gradually taken away. When this is once done, half the difficulties of the abolition are accomplished. We will suggest a few hints as to the means by which this desirable end may be promoted.

A poor man now comes to a Magistrate any day in the week, and any hour in any day, to complain of the Overseers, or of the select Committee. Suppose he were to be made to wait a little, and to feel for a short time the bitterness of that poverty which, by idleness, extravagance, and hasty marriage, he has probably brought upon himself. To effect this object, we would prohibit all orders for relief, by Justices, between the 1st and 10th day of the month; and leave the poor entirely in the hands of the Overseers, or of the Select Vestry, for that period. Here is a beginning—a gradual abolition of one of the first features of the Poor-Laws. And it is without risk of tumult; for no one will run the risk of breaking the laws for an evil to which he anticipates so speedy a termination. This Decameron of overseers' despotism, and paupers' suffering, is the very thing wanted. It will teach the parishes to administer their own charity responsibly, and to depend upon their own judgment. It will teach the poor the miseries of pauperism and dependence; and will be a warning to unmarried young men not hastily and rashly to place themselves, their wives and children, in the same miserable situation; and it will effect all these objects gradually, and without danger. It would of course be the same thing on principle, if relief were confined to three days between the 1st and the 10th of each month; three between the 10th and the 20th; three between the 20th and the end of the month;—or in any other manner that

would gradually* crumble away the power, and check the gratuitous munificence, of Justices,—give authority over their own affairs to the heads of the parish, and teach the poor, by little and little, that they must suffer if they are imprudent. It is understood in all these observations, that the Overseers are bound to support their poor without any order of Justices; and that death arising from absolute want should expose those officers to very severe punishments, if it could be traced to their inhumanity and neglect. The time must come when we must do without this; but we are not got so far yet —and are at present only getting rid of Justices, not of Overseers.

Mr. Davison seems to think that the plea of old age stands upon a different footing, with respect to the Poor-Laws, from all other pleas. But why should this plea be more favoured than that of sickness? why more than losses in trade, incurred by no imprudence? In reality, this plea is less entitled to indulgence. Every man knows he is exposed to the helplessness of age; but sickness and sudden ruin are very often escaped—comparatively seldom happen. Why is a man exclusively to be protected against that evil which he must have foreseen longer than any other, and has had the longest time to guard against? Mr. Davison's objections to a limited expenditure are much more satisfactory. These we shall lay before our readers; and we recommend them to the attention of the Committee.

'I shall advert next to the plan of a limitation upon the amount of rates to be assessed in future. This limitation, as it is a pledge of some protection to the property now subjected to the maintenance of the poor against the indefinite encroachment which otherwise threatens it, is, in that light, certainly a benefit; and supposing it were rigorously adhered to, the very knowledge, among the parish expectants, that there was some limit to their range of expectation, some barrier which they could not pass, might incline them to turn their thoughts homeward again to

* All gradation and caution have been banished since the Reform Bill—rapid high-pressure wisdom is the only agent in public affairs.

the care of themselves. But it is an expedient, at the best, far from being satisfactory. In the first place, there is much reason to fear that such a limitation would not eventually be maintained, after the example of a similar one having failed before, and considering that the urgency of the applicants, as long as they retain the principle of dependence upon the parish unqualified in any one of its main articles, would probably overbear a mere barrier of figures in the parish account. Then there would be much real difficulty in the proceedings, to be governed by such a limiting rule. For the use of the limitation would be chiefly, or solely, in cases where there is some struggle between the ordinary supplies of the parish rates and the exigencies of the poor, or a kind of run and pressure upon the parish by a mass of indigence: and in circumstances of this kind it would be hard to know how to distribute the supplies under a fair proportion to the applicants, known or expected; hard to know how much might be granted for the present, and how much should be kept in reserve for the remainder of the year's service. The real intricacy in such a distribution of account would show itself in disproportions and inequalities of allowance, impossible to be avoided; and the applicants would have one pretext more for discontent.

'The limitation itself in many places would be only in words and figures. It would be set, I presume, by an average of certain preceding years. But the average taken upon the preceding years might be a sum exceeding in its real value the highest amount of the assessments of any of the averaged years, under the great change which has taken place in the value of money itself. A given rate, or assessment nominally the same, or lower, might in this way be a greater real money value than it was some time before. In many of the most distressed districts, where the parochial rates have nearly equalled the rents, a nominal average would therefore be no effectual benefit; and yet it is in those districts that the alleviation of the burthen is the most wanted.

'It is manifest, also, that a peremptory restriction of the whole amount of money applicable to the parochial service, though abundantly justified in many districts by their particular condition being so impoverished as to make the measure, for them, almost a measure of necessity, if nothing can be substituted for it; and where the same extreme necessity does not exist, still justified by the prudence of preventing in some way the interminable increase of the parochial burthens; still, that such a restriction is an ill-adjusted measure in itself, and would in many instances operate very inequitably. It would fall unfairly in

some parishes, where the relative state of the poor and the parish might render an increase of the relief as just and reasonable as it is possible for any thing to be under the Poor-Laws at all. It would deny to many possible fair claimants the whole, or a part, of that degree of relief commonly granted elsewhere to persons in their condition, on this or that account of claim. Leaving the reason of the present demands wholly unimpeached, and unexplained; directing no distinct warning or remonstrance to the parties, in the line of their affairs, by putting a check to their expectations upon positive matters implicated in their conduct; which would be speaking to them in a definite sense, and a sense applicable to all: this plan of limitation would nurture the whole mass of the claim in its origin, and deny the allowance of it to thousands, on account of reasons properly affecting a distant quarter, of which they know nothing. The want of a clear method, and of a good principle at the bottom of it, in this direct compulsory restriction, renders it, I think, wholly unacceptable, unless it be the only possible plan that can be devised for accomplishing the same end. If a parish had to keep its account with a single dependant, the plan would be much more useful in that case. For the ascertained fact of the total amount of his expectations might set his mind at rest, and put him on a decided course of providing for himself. But, in the limitation proposed to be made, the ascertained fact is of a general amount only, not of each man's share in it. Consequently, each man has his indefinite expectations left to him, and every separate specific ground of expectation remaining as before.'

Mr. Davison talks of the propriety of refusing to find labour for able labourers after the lapse of ten years; as if it was some ordinary bill he was proposing, unaccompanied by the slightest risk. It is very easy to make such laws, and to propose them; but it would be of immense difficulty to carry them into execution. Done it must be, every body knows that; but the real merit will consist in discovering the gradual and gentle means by which the difficulties of getting parish labour may be increased, and the life of a parish pauper be rendered a life of salutary and deterring hardship. A law that rendered such request for labour perfectly lawful for ten years longer, and then suddenly abolished it, would merely bespeak a certain, general, and violent insurrec-

tion for the year 1830. The legislator, thank God, is in his nature a more cunning and gradual animal.

Before we drop Mr. Davison, who writes like a very sensible man, we wish to say a few words about his style. If he would think less about it, he would write much better. It is always as plethoric and full-dressed as if he were writing a treatise *de finibus bonorum et malorum*. He is sometimes obscure; and is occasionally apt to dress up common-sized thoughts in big clothes, and to dwell a little too long in proving what every man of sense knows and admits. We hope we shall not offend Mr. Davison by these remarks; and we have really no intention of doing so. His views upon the Poor-Laws are, generally speaking, very correct and philosophical; he writes like a gentleman, a scholar, and a man capable of eloquence; and we hope he will be a bishop. If his mitred productions are as enlightened and liberal as this, we are sure he will confer as much honour on the Bench as he receives from it. There is a good deal, however, in Mr. Davison's book about the 'virtuous marriages of the poor.' To have really the charge of a family as a husband and a father, we are told,—to have the privilege of laying out his life in their service, is the poor man's boast,—'his home is the school of his sentiments,' &c. &c. This is viewing human life through a Claude Lorraine glass, and decorating it with colours which do not belong to it. A ploughman marries a ploughwoman because she is plump; generally uses her ill; thinks his children an incumbrance; very often flogs them; and, for sentiment, has nothing more nearly approaching to it than the ideas of broiled bacon and mashed potatoes. This is the state of the lower orders of mankind—deplorable, but true—and yet rendered much worse by the Poor-Laws.

The system of roundsmen is much complained of; as well as that by which the labour of paupers is paid, partly by the rate, partly by the master—and a long string of Sussex Justices send up a petition on the subject. But the evil we are suffering under is an excess of population. There are ten men applying for work,

when five only are wanted; of course, such a redundance of labouring persons must depress the rate of their labour far beyond what is sufficient for the support of their families. And how is that deficiency to be made up but from the parish rates, unless it is meant suddenly and immediately to abolish the whole system of the Poor-Laws? To state that the rate of labour is lower than a man can live by, is merely to state that we *have had*, and *have*, Poor-Laws—of which this practice is at length the inevitable consequence; and nothing could be more absurd than to attempt to prevent, by Acts of Parliament, the natural depreciation of an article which exists in much greater abundance than it is wanted. Nor can any thing be more unjust than the complaint, that roundsmen are paid by their employers at an inferior rate, and that the difference is made up by the parish funds. A roundsman is commonly an inferior description of labourer who cannot get regularly hired; —he comes upon his parish for labour commonly at those seasons when there is the least to do;—he is not a servant of the farmer's choice, and probably does not suit him;—he goes off to any other labour at a moment's warning, when he finds it more profitable;—and the farmer is forced to keep nearly the same number of labourers as if there were no roundsmen at all. Is it just, then, that a labourer, combining every species of imperfection, should receive the same wages as a chosen, regular, stationary person, who is always ready at hand, and whom the farmer has selected for his dexterity and character?

Those persons who do not, and cannot employ labourers, have no kind of right to complain of the third or fourth part of the wages being paid by the rates; for if the farmers did not agree among themselves to take such occasional labourers, the whole of their support must be paid by the rates, instead of one third. The order is, that the pauper shall be paid such a sum as will support himself and family; and if this agreement to take roundsmen was not entered into by the farmers, they must be paid, by the rates, the whole of the amount of

the order, for doing nothing. If a circulating labourer, therefore, with three children, to whom the Justices would order 12*s.* per week, receives 8*s.* from his employer, and 4*s.* from the rates, the parish is not burthened by this system to the amount of 4*s.*, but relieved to the amount of 8*s.* A parish manufacture, conducted by overseers, is infinitely more burthensome to the rates than any system of roundsmen. There are undoubtedly a few instances to the contrary. Zeal and talents will cure the original defects of any system; but to suppose that average men can do what extraordinary men have done, is the cause of many silly projects and extravagant blunders. Mr. Owen may give his whole heart and soul to the improvement of one of his parochial parallelograms; but who is to succeed to Mr. Owen's enthusiasm? Before we have quite done with the subject of roundsmen, we cannot help noticing a strange assertion of Mr. Nicol, that the low rate of wages paid by the master is an injustice to the pauper—that he is cheated, forsooth, out of 8*s.* or 10*s.* per week by this arrangement. Nothing, however, can possibly be more absurd than such an allegation. The whole country is open to him. Can he gain more any where else? If not, this is the market price of his labour; and what right has he to complain? or how can he say he is defrauded? A combination among farmers to lower the price of labour would be impossible, if labour did not exist in much greater quantities than was wanted. All such things, whether labour, or worsted stockings, or broad cloth, are, of course, always regulated by the proportion between the supply and demand. Mr. Nicol cites an instance of a parish in Suffolk, where the labourer receives sixpence from the farmers, and the rest is made up by the rates; and for this he reprobates the conduct of the farmers. But why are they not to take labour as cheap as they can get it? Why are they not to avail themselves of the market price of this, as of any other commodity? The rates are a separate consideration: let them supply what is wanting; but the farmer is right to get his iron, his wood, and his labour, as cheap as he can. It would,

we admit, come nearly to the same thing, if 100*l.* were paid in wages rather than 25*l.* in wages, and 75*l.* by rate; but then, if the farmers were to agree to give wages above the market price, and sufficient for the support of the labourers without any rate, such an agreement could never be adhered to. The base and the crafty would make their labourers take less, and fling heavier rates upon those who adhered to the contract; whereas the agreement, founded upon giving as little as can be given, is pretty sure of being adhered to; and he who breaks it, lessens the rate to his neighbour, and does not increase it. The problem to be solved is this: If you have ten or twenty labourers who say they can get no work, and you cannot dispute this, and the Poor-Laws remain, what better scheme can be devised, than that the farmers of the parish should employ them in their turns? — and what more absurd than to suppose that farmers so employing them should give one farthing more than the market price for their labour?

It is contended, that the statute of Elizabeth, rightly interpreted, only compels the overseer to assist the sick and old, and not to find labour for strong and healthy men. This is true enough; and it would have been eminently useful to have attended to it a century past: but to find employment for all who apply, is now, by long use, become a practical part of the Poor-Laws, and will require the same care and dexterity for its abolition as any other part of that pernicious system. It would not be altogether prudent suddenly to tell a million of stout men, with spades and hoes in their hands, that the 43d of Elizabeth had been misconstrued, and that no more employment would be found for them. It requires twenty or thirty years to state such truths to such numbers.

We think, then, that the diminution of the claims of settlement, and of the authority of Justices, coupled with the other subordinate improvements we have stated, will be the best steps for beginning the abolition of the Poor-Laws. When these have been taken, the description of persons entitled to relief may be narrowed by

degrees. But let no man hope to get rid of these laws, even in the gentlest and wisest method, without a great deal of misery, and some risk of tumult. If Mr. Bourne thinks only of avoiding risk, he will do nothing. Some risk must be incurred: but the secret is gradation; and the true reason for abolishing these laws is, not that they make the rich poor, but that they make the poor poorer.*

* The boldness of modern legislation has thrown all my caution into the background. Was it wise to encounter such a risk? Is the danger over? Can the vital parts of the Bill be maintained?

IRELAND. (E. Review, 1820.)

1. *Whitelaw's History of the City of Dublin.* 4to. Cadell and Davies.
2. *Observations on the State of Ireland, principally directed to its Agriculture and Rural Population; in a Series of Letters written on a Tour through that Country.* In 2 vols. By J. C. Curwen, Esq. M.P. London, 1818.
3. *Gamble's Views of Society in Ireland.*

These are all the late publications that treat of Irish interests in general—and none of them are of first-rate importance. Mr. Gamble's Travels in Ireland are of a very ordinary description—low scenes and low humour making up the principal part of the narrative. There are readers, however, whom it will amuse; and the reading market becomes more and more extensive, and embraces a greater variety of persons every day. Mr. Whitelaw's History of Dublin is a book of great accuracy and research, highly creditable to the industry, good sense, and benevolence of its author. Of the Travels of Mr. Christian Curwen, we hardly know what to say. He is bold and honest in his politics—a great enemy to abuses—vapid in his levity and pleasantry, and infinitely too much inclined to declaim upon commonplace topics of morality and benevolence. But, with these drawbacks, the book is not ill written; and may be advantageously read by those who are desirous of information upon the present State of Ireland.

So great, and so long has been the misgovernment of that country, that we verily believe the empire would be much stronger, if every thing was open sea between England and the Atlantic, and if *skates and codfish* swam over the fair land of Ulster. Such jobbing, such profligacy—so much direct tyranny and oppression—such an abuse of God's gifts—such a profanation of God's name for the purposes of bigotry and party spirit, cannot be exceeded

in the history of civilised Europe, and will long remain a monument of infamy and shame to England. But it will be more useful to suppress the indignation which the very name of Ireland inspires, and to consider impartially those causes which have marred this fair portion of the creation, and kept it wild and savage in the midst of improving Europe.

The great misfortune of Ireland is, that the mass of the people have been given up for a century to a handful of Protestants, by whom they have been treated as *Helots*, and subjected to every species of persecution and disgrace. The sufferings of the Catholics have been so loudly chanted in the very streets, that it is almost needless to remind our readers that, during the reigns of George I. and George II., the Irish Roman Catholics were disabled from holding any civil or military office, from voting at elections, from admission into corporations, from practising law or physic. A younger brother, by turning Protestant, might deprive his elder brother of his birth-right: by the same process, he might force his father, under the name of a liberal provision, to yield up to him a part of his landed property; and, if an eldest son, he might, in the same way, reduce his father's fee-simple to a life estate. A Papist was disabled from purchasing freehold lands — and even from holding long leases — and any person might take his Catholic neighbour's house by paying 5*l.* for it. If the child of a Catholic father turned Protestant, he was taken away from his father and put into the hands of a Protestant relation. No Papist could purchase a freehold, or lease for more than thirty years — or inherit from an intestate Protestant — nor from an intestate Catholic — nor dwell in Limerick or Galway — nor hold an advowson, nor buy an annuity for life. 50*l.* was given for discovering a popish Archbishop — 30*l.* for a popish Clergyman — and 10*s.* for a Schoolmaster. No one was allowed to be trustee for Catholics; no Catholic was allowed to take more than two apprentices; no Papist to be solicitor, sheriff, or to serve on Grand Juries. Horses of Papists might be seized for the militia; for which militia Papists

were to pay double, and to find Protestant substitutes. Papists were prohibited from being present at vestries, or from being high or petty constables; and, when resident in towns, they were compelled to find Protestant watchmen. Barristers and solicitors, marrying Catholics, were exposed to the penalties of Catholics. Persons plundered by privateers during a war with any Popish prince, were reimbursed by a levy on the Catholic inhabitants where they lived. All popish priests celebrating marriages contrary to 12 Geo. I. cap. 3., were to be *hanged!*

The greater part of these incapacities are removed, though many of a very serious and oppressive nature still remain. But the grand misfortune is, that the spirit which these oppressive Laws engendered remains. The Protestant still looks upon the Catholic as a degraded being. The Catholic does not yet consider himself upon an equality with his former tyrant and taskmaster. That religious hatred which required all the prohibiting vigilance of the law for its restraint, has found in the law its strongest support; and the spirit which the law first exasperated and embittered, continues to act long after the original *stimulus* is withdrawn. The law which prevented Catholics from serving on Grand Juries is repealed; but Catholics are not called upon Grand Juries in the proportion in which they are entitled, by their rank and fortune. The Duke of Bedford did all he could to give them the benefit of those laws which are already passed in their favour. But power is seldom entrusted in this country to one of the Duke of Bedford's liberality; and every thing has fallen back in the hands of his successors into the ancient division of the privileged and degraded castes. We do not mean to cast any reflection upon the present Secretary for Ireland, whom we believe to be upon this subject a very liberal politician, and on all subjects an honourable and excellent man. The Government under which he serves allows him to indulge in a little harmless liberality; but it is perfectly understood that nothing is intended to be done for the Catholics; that no loaves and fishes will be lost by

indulgence in Protestant insolence and tyranny; and, therefore, among the generality of Irish Protestants, insolence, tyranny, and exclusion continue to operate. However eligible the Catholic may be, he is not elected; whatever barriers may be thrown down, he does not advance a step. He was first kept out by law; he is now kept out by opinion and habit. They have been so long in chains, that nobody believes they are capable of using their hands and feet.

It is not however the only or the worst misfortune of the Catholics, that the relaxations of the law are hitherto of little benefit to them; the law is not yet sufficiently relaxed. A Catholic, as every body knows, cannot be made sheriff; cannot be in Parliament; cannot be a director of the Irish Bank; cannot fill the great departments of the law, the army, and the navy; is cut off from all the high objects of human ambition, and treated as a marked and degraded person.

The common admission now is, that the Catholics are to the Protestants in Ireland as about 4 to 1—of which Protestants, not more than *one half* belong to the Church of Ireland. This, then, is one of the most striking features in the state of Ireland. That the great mass of the population is completely subjugated and overawed by a handful of comparatively recent settlers, —in whom all the power and patronage of the country is vested, —who have been reluctantly compelled to desist from still greater abuses of authority, —and who look with trembling apprehension to the increasing liberality of the Parliament and the country towards these unfortunate persons whom they have always looked upon as their property and their prey.

Whatever evils may result from these proportions between the oppressor and the oppressed — to whatever dangers a country so situated may be considered to be exposed — these evils and dangers are rapidly increasing in Ireland. The proportion of Catholics to Protestants is infinitely greater now than it was thirty years ago, and is becoming more and more favourable to the former. By a return made to the Irish House of

Lords in 1732, the proportion of Catholics to Protestants was not 2 to 1. It is now (as we have already observed) 4 to 1; and the causes which have thus altered the proportions in favour of the Catholics are sufficiently obvious to any one acquainted with the state of Ireland. The Roman Catholic priest resides; his income entirely depends upon the number of his flock; and he must exert himself, or he starves. There is some chance of success, therefore, in *his* efforts to convert; but the Protestant clergyman, if he were equally eager, has little or no probability of persuading so much larger a proportion of the population to come over to his church. The Catholic clergyman belongs to a religion that has always been more desirous of gaining proselytes than the Protestant church; and he is animated by a sense of injury and a desire of revenge. Another reason for the disproportionate increase of Catholics is, that the Catholics will marry upon means which the Protestant considers as insufficient for marriage. A few potatoes and a shed of turf, are all that Luther has left for the Romanist; and, when the latter gets these, he instantly begins upon the great Irish manufacture of children. But a Protestant belongs to the sect that eats the fine flour, and leaves the bran to others; he must have comforts, and he does not marry till he gets them. He would be ashamed, if he were seen living as a Catholic lives. This is the principal reason why the Protestants who remain attached to their church do not increase so fast as the Catholics. But in common minds, daily scenes, the example of the majority, the power of imitation, decide their habits, religious as well as civil. A Protestant labourer who works among Catholics, soon learns to think and act and talk as they do — he is not proof against the eternal panegyric which he hears of Father O'Leary. His Protestantism is rubbed away; and he goes at last, after some little resistance, to the chapel, where he sees every body else going.

These eight Catholics not only hate the ninth man, the Protestant of the Establishment, for the unjust privileges he enjoys — not only remember that the lands of their

father were given to his father — but they find themselves forced to pay for the support of his religion. In the wretched state of poverty in which the lower orders of Irish are plunged, it is not without considerable effort that they can pay the few shillings necessary for the support of their Catholic priest; and when this is effected, a tenth of the potatoes in the garden are to be set out for the support of a persuasion, the introduction of which into Ireland they consider as the great cause of their political inferiority, and all their manifold wretchedness. In England, a labourer can procure constant employment — or he can, at the worst, obtain relief from his parish. Whether tithe operates as a tax upon him, is known only to the political economist: if he does pay it, he does not know that he pays it; and the burthen of supporting the Clergy is at least kept out of his view. But, in Ireland, the only method in which a poor man lives, is by taking a small portion of land, in which he can grow potatoes: seven or eight months out of twelve, in many parts of Ireland, there is no constant employment of the poor: and the potatoe farm is all that shelters them from absolute famine. If the Pope were to come in person, and seize upon every tenth potatoe, the poor peasant would scarcely endure it. With what patience, then, can he see it tossed into the cart of the heretic Rector, who has a church without a congregation, and a revenue without duties?

We do not say whether these things are right or wrong — whether they want a remedy at all — or what remedy they want; but we paint them in those colours in which they appear to the eye of poverty and ignorance, without saying whether those colours are false or true. Nor is the case at all comparable to that of Dissenters paying tithe in England; which case is precisely the reverse of what happens in Ireland, for it is the contribution of a very small minority to the religion of a very large majority; and the numbers on either side make all the difference in the argument. To exasperate the poor Catholic still more, the rich graziers of the parish — or the squire in his parish — pay no tithe at all for their

grass land. Agistment tithe is abolished in Ireland; and the burthen of supporting two Churches seems to devolve upon the poorer Catholics, struggling with plough and spade in small scraps of dearly-rented land. Tithes seem to be collected in a more harsh manner than they are collected in England. The minute subdivisions of land in Ireland — the little connection which the Protestant clergyman commonly has with the Catholic population of his parish, have made the introduction of tithe proctors very general — sometimes as the agent of the clergyman — sometimes as the lessee or middle-man between the clergyman and the cultivator of the land; but, in either case, practised, dexterous estimators of tithe. The English clergymen, in general, are far from exacting the whole of what is due to them, but sacrifice a little to the love of popularity or to the dread of odium. A system of tithe-proctors established all over England (as it is in Ireland), would produce general disgust and alienation from the Established Church.

'During the administration of Lord Halifax,' says Mr. Hardy, in quoting the opinion of Lord Charlemont upon tithes paid by Catholics, 'Ireland was dangerously disturbed in its southern and northern regions. In the south principally, in the counties of Kilkenny, Limerick, Cork, and Tipperary, the White Boys now made their first appearance; those White Boys, who have ever since occasionally disturbed the public tranquillity, without any rational method having been as yet pursued to eradicate this disgraceful evil. When we consider, that the very same district has been for the long space of seven and twenty years liable to frequent returns of the same disorder into which it has continually relapsed, in spite of all the violent remedies from time to time administered by our political quacks, we cannot doubt but that some real, peculiar, and topical cause must exist; and yet, neither the removal, nor even the investigation of this cause, has ever once been seriously attempted. Laws of the most sanguinary and unconstitutional nature have been enacted; the country has been disgraced, and exasperated by frequent and bloody executions; and the gibbet, that perpetual resource of weak and cruel legislators, has groaned under the multitude of starving criminals: yet, while the cause is suffered to exist, the effects will ever follow. The amputation of limbs

will never eradicate a prurient humour, which must be sought in its source, and there remedied.'

'I wish,' continues Mr. Wakefield, 'for the sake of humanity, and for the honour of the Irish character, that the gentlemen of that country would take this matter into their serious consideration. Let them only for a moment place themselves in the situation of the half-famished cotter, surrounded by a wretched family, clamorous for food; and judge what his feelings must be, when he sees the tenth part of the produce of his potato garden exposed at harvest time to public *cant;* or, if he have given a promissory note for the payment of a certain sum of money, to compensate for such tithe when it becomes due, to hear the heart-rending cries of his offspring clinging round him, and lamenting for the milk of which they are deprived, by the cows being driven to the pound, to be sold to discharge the debt. Such accounts are not the creations of fancy; the facts do exist, and are but too common in Ireland. Were one of them transferred to canvas by the hand of genius, and exhibited to English humanity, that heart must be callous indeed that could refuse its sympathy. I have seen the cow, the favourite cow, driven away, accompanied by the sighs, the tears, and the imprecations of a whole family, who were paddling after, through wet and dirt, to take their last affectionate farewell of this their only friend and benefactor, at the pound gate. I have heard with emotions which I can scarcely describe, deep curses repeated from village to village as the cavalcade proceeded. I have witnessed the group pass the domain walls of the opulent grazier, whose numerous herds were cropping the most luxuriant pastures, while he was secure from any demand for the tithe of their food, looking on with the most unfeeling indifference.' — *Wakefield*, p. 486.

In Munster, where tithe of potatoes is exacted, risings against the system have constantly occurred during the last forty years. In Ulster, where no such tithe is required, these insurrections are unknown. The double church which Ireland supports, and that painful visible contribution towards it which the poor Irishman is compelled to make from his miserable pittance, is one great cause of those never-ending insurrections, burnings, murders, and robberies, which have laid waste that ill-fated country for so many years. The unfortunate consequence of the civil disabilities, and the church payments under which the Catholics labour, is a rooted antipathy to this

country. They hate the English Government from historical recollection, actual suffering, and disappointed hope; and till they are better treated, they will continue to hate it. At this moment, in a period of the most profound peace, there are twenty-five thousand of the best disciplined and best appointed troops in the world in Ireland, with bayonets fixed, presented arms, and in the attitude of present war: nor is there a man too much — nor would Ireland be tenable without them. When it was necessary last year (or thought necessary) to put down the children of Reform, we were forced to make a new levy of troops in this country — not a man could be spared from Ireland. The moment they had embarked, Peep-of-day Boys, Heart-of-Oak Boys, Twelve-o'clock Boys, Heart-of-Flint Boys, and all the bloody boyhood of the Bog of Allen, would have proceeded to the ancient work of riot, rapine, and disaffection. Ireland, in short, till her wrongs are redressed, and a more liberal policy is adopted towards her, will always be a cause of anxiety and suspicion to this country; and, in some moment of our weakness and depression, will forcibly extort what she would now receive with gratitude and exultation.

Ireland is situated close to another island of greater size, speaking the same language, very superior in civilisation, and the seat of government. The consequence of this is the emigration of the richest and most powerful part of the community — a vast drain of wealth — and the absence of all that wholesome influence which the representatives of ancient families residing upon their estates, produce upon their tenantry and dependants. Can any man imagine that the scenes which have been acted in Ireland within these last twenty years, would have taken place, if such vast proprietors as the Duke of Devonshire, the Marquis of Hertford, the Marquis of Lansdown, Earl Fitzwilliam, and many other men of equal wealth, had been in the constant habit of residing upon their Irish, as they are upon their English, estates? Is it of no consequence to the order, and the civilisation of a large district, whether the great mansion is inhabited

by an insignificant, perhaps a mischievous, attorney, in the shape of agent, or whether the first and greatest men of the United Kingdoms, after the business of Parliament is over, come with their friends and families, to exercise hospitality, to spend large revenues, to diffuse information, and to improve manners? This evil is a very serious one to Ireland; and, as far as we see, incurable. For if the present large estates were, by the dilapidation of families, to be broken to pieces and sold, others equally great would, in the free circulation of property, speedily accumulate; and the moment any possessor arrived at a certain pitch of fortune, he would probably choose to reside in the better country, — near the Parliament, or the Court.

This absence of great proprietors in Ireland necessarily brings with it, or if not necessarily, has actually brought with it, the employment of middlemen, which forms one other standing and regular Irish grievance. We are well aware of all that can be said in defence of middlemen; that they stand between the little farmer and the great proprietor, as the shopkeeper does between the manufacturer and consumer; and, in fact, by their intervention, save time, and therefore expense. This may be true enough in the abstract; but the particular nature of land must be attended to. The object of the man who makes cloth is to sell his cloth at the present market, for as high a price as he can obtain. If that price is too high, it soon falls; but no injury is done to his machinery by the superior price he has enjoyed for a season — he is just as able to produce cloth with it, as if the profits he enjoyed had always been equally moderate; he has no fear, therefore, of the middleman, or of any species of moral machinery which may help to obtain for him the greatest present prices. The same would be the feeling of any one who let out a steam-engine, or any other machine, for the purposes of manufacture; he would naturally take the highest price he could get; for he might either let his machine for a price proportionate to the work it did, or the repairs, estimable with the greatest precision, might

be thrown upon the tenant; in short, he could hardly ask any rent too high for his machine which a responsible person would give; dilapidation would be so visible, and so calculable in such instances, that any secondary lease, or subletting, would be rather an increase of security than a source of alarm. Any evil from such a practice would be improbable, measurable, and remediable. In land, on the contrary, the object is not to get the highest prices absolutely, but to get the highest prices which will not injure the machine. One tenant may offer and pay double the rent of another, and in a few years leave the land in a state which will effectually bar all future offers of tenancy. It is of no use to fill a lease full of clauses and covenants; a tenant who pays more than he ought to pay, or who pays even to the last farthing which he ought to pay, will rob the land, and injure the machine, in spite of all the attornies in England. He will rob it even if he mean to remain upon it — driven on by present distress, and anxious to put off the day of defalcation and arrear. The damage is often difficult of detection — not easily calculated, not easily to be proved; such for which juries (themselves perhaps farmers) will not willingly give sufficient compensation. And if this be true in England, it is much more strikingly true in Ireland, where it is extremely difficult to obtain verdicts for breaches of covenant in leases.

The only method then of guarding the machine from real injury is, by giving to the actual occupier such advantage in his contract, that he is unwilling to give it up — that he has a real interest in retaining it, and is not driven by the distresses of the present moment to destroy the future productiveness of the soil. Any rent which the landlord accepts more than this, or any system by which more rent than this is obtained, is to borrow money upon the most usurious and profligate interest — to increase the revenue of the present day by the absolute ruin of the property. Such is the effect produced by a middleman: he gives high prices that he may obtain higher from the occupier; more is paid by

the actual occupier than is consistent with the safety and preservation of the machine; the land is run out, and, in the end, that maximum of rent we have described is not obtained; and not only is the property injured by such a system, but in Ireland the most shocking consequences ensue from it. There is little manufacture in Ireland; the price of labour is low, the demand for labour irregular. If a poor man be driven, by distress of rent, from his potato garden, he has no other resource —all is lost: he will do the impossible (as the French say) to retain it; subscribe any bond, and promise any rent. The middleman has no character to lose; and he knew, when he took up the occupation, that it was one with which pity had nothing to do. On he drives; and backward the poor peasant recedes, loses something at every step, till he comes to the very brink of despair; and then he recoils and murders his oppressor, and is a *White Boy* or a *Right Boy*:—the soldier shoots him, and the judge hangs him.

In the debate which took place in the Irish House of Commons, upon the bill for preventing tumultuous risings and assemblies, on the 31st of January, 1787, the Attorney-General submitted to the House the following narrative of facts.

'The commencement,' said he, 'was in one or two parishes in the county of Kerry; and they proceeded thus. The people assembled in a Catholic chapel, and there took an oath to obey the laws of Captain Right, and to starve the clergy. They then proceeded to the next parishes, on the following Sunday, and there swore the people in the same manner; with this addition, that they (the people last sworn) should on the ensuing Sunday proceed to the chapels of their next neighbouring parishes, and swear the inhabitants of those parishes in like manner. Proceeding in this manner, they very soon went through the province of Munster. The first object was, the *reformation of tithes*. They swore not to give more than a certain price per acre; not to assist, or allow them to be assisted, in drawing the tithe, and to permit *no proctor*. They next took upon them to prevent the collection of parish cesses; next to nominate parish clerks, and in some cases curates: to say what church should or should not be repaired; and in one case to

threaten that they would burn a *new* church, if the *old* one were not given for a mass-house. At last, they proceeded to regulate the price of lands; to raise the price of labour; and to oppose the collection of the hearth money, and other taxes. Bodies of 5000 of them have been seen to march through the country unarmed, and if met by any magistrate, *they never offered the smallest rudeness or offence;* on the contrary, they had allowed persons charged with crimes to be taken from amongst them by the magistrate *alone,* unaided by any force.

'The Attorney-General said he was well acquainted with the province of Munster, and that it was impossible for human wretchedness to *exceed that of the peasantry of that province.* The unhappy tenantry were *ground to powder* by relentless landlords; that, far from being able to give the clergy their just dues, they had not food or raiment for themselves — the landlord grasped the whole; and sorry was he to add, that, not satisfied with the present extortion, some landlords had been so base as to instigate the insurgents to rob the clergy of their tithes, not in order to alleviate the distresses of the tenantry, but that they might add the clergy's share to the cruel rack-rents they already paid. The poor people of Munster lived in a *more abject state of poverty than human nature could be supposed equal to bear.*' — Grattan's Speeches, vol. i. 292.

We are not, of course, in such a discussion to be governed by names. A middleman might be tied up, by the strongest legal restriction, as to the price he was to exact from the under-tenants, and then he would be no more pernicious to the estate than a steward. A steward might be protected in exactions as severe as the most rapacious middleman; and then, of course, it would be the same thing under another name. The practice to which we object is, the too common method in Ireland of extorting the last farthing which the tenant is willing to give for land, rather than quit it: and the machinery by which such practice is carried into effect, is that of the middleman. It is not only that it ruins the land; it ruins the people also. They are made so poor — brought so near the ground — that they can sink no lower; and burst out at last into all the acts of desperation and revenge for which Ireland is so notorious. Men who have money in their pockets, and find that they are im-

proving in their circumstances, don't do these things. Opulence, or the hope of opulence or comfort, is the parent of decency, order, and submission to the laws. A landlord in Ireland understands the luxury of carriages and horses; but has no relish for the greater luxury of surrounding himself with a moral and grateful tenantry. The absent proprietor looks only to revenue, and cares nothing for the disorder and degradation of a country which he never means to visit. There are very honourable exceptions to this charge: but there are too many living instances that it is just. The rapacity of the Irish landlord induces him to allow of the extreme division of his lands. When the daughter marries, a little portion of the little farm is broken off — another corner for Patrick, and another for Dermot — till the land is broken into sections, upon one of which an English cow could not stand. Twenty mansions of misery are thus reared instead of one. A louder cry of oppression is lifted up to Heaven; and fresh enemies to the English name and power are multiplied on the earth. The Irish gentlemen, too, extremely desirous of political influence, multiply freeholds, and split votes; and this propensity tends of course to increase the miserable redundance of living beings, under which Ireland is groaning. Among the manifold wretchedness to which the poor Irish tenant is liable, we must not pass over the practice of driving for rent. A lets land to B, who lets it to C, who lets it again to D. D pays C his rent, and C pays B. But if B fails to pay A, the cattle of B, C, D are all driven to the pound, and, after the interval of a few days, sold by auction. A general driving of this kind very frequently leads to a bloody insurrection. It may be ranked among the classical grievances of Ireland.

Potatoes enter for a great deal into the present condition of Ireland. They are much cheaper than wheat; and it is so easy to rear a family upon them, that there is no check to population from the difficulty of procuring food. The population therefore goes on with a rapidity approaching almost to that of new countries, and in a much greater ratio than the improving agriculture and

manufactures of the country can find employment for it. All degrees of all nations begin with living in pig-styes. The king or the priest first gets out of them; then the noble, then the pauper, in proportion as each class becomes more and more opulent. Better tastes arise from better circumstances; and the luxury of one period is the wretchedness and poverty of another. English peasants, in the time of Henry the Seventh, were lodged as badly as Irish peasants now are; but the population was limited by the difficulty of procuring a corn subsistence. The improvements of this kingdom were more rapid; the price of labour rose; and, with it, the luxury and comfort of the peasant, who is now decently lodged and clothed, and who would think himself in the last stage of wretchedness, if he had nothing but an iron pot in a turf house, and plenty of potatoes in it. The use of the potato was introduced into Ireland when the wretched accommodation of her own peasantry bore some proportion to the state of those accommodations all over Europe. But they have increased their population so fast, and, in conjunction with the oppressive government of Ireland retarding improvement, have kept the price of labour so low, that the Irish poor have never been able to emerge from their mud cabins, or to acquire any taste for cleanliness and decency of appearance. Mr. Curwen has the following description of Irish cottages:

'These mansions of miserable existence, for so they may truly be described, conformably to our general estimation of those indispensable comforts requisite to constitute the happiness of rational beings, are most commonly composed of two rooms on the ground floor, a most appropriate term, for they are literally on the earth; the surface of which is not unfrequently reduced a foot or more, to save the expense of so much outward walling. The one is a refectory, the other the dormitory. The furniture of the former, if the owner ranks in the upper part of the scale of scantiness, will consist of a kitchen dresser, well provided and highly decorated with crockery — not less apparently the pride of the husband than the result of female vanity in the wife: which, with a table, a chest, a few stools, and an iron pot, complete the catalogue of conveniences

generally found, as belonging to the cabin; while a spinning-wheel, furnished by the Linen Board, and a loom, ornament vacant spaces that otherwise would remain unfurnished. In fitting up the latter, which cannot, on any occasion, or by any display, add a feather to the weight or importance expected to be excited by the appearance of the former, the inventory is limited to one, and sometimes two beds, serving for the repose of the whole family! However downy these may be to limbs impatient for rest, their coverings appeared to be very slight; and the whole of the apartment created reflections of a very painful nature. Under such privations, with a wet mud floor, and a roof in tatters, how idle the search for comforts!'—*Curwen*, i. 112, 113.

To this extract we shall add one more on the same subject.

'The gigantic figure, bare-headed before me, had a beard that would not have disgraced an ancient Israelite—he was without shoes or stockings—and almost a sans-culotte—with a coat, or rather a jacket, that appeared as if the first blast of wind would tear it to tatters. Though his garb was thus tattered, he had a manly commanding countenance. I asked permission to see the inside of his cabin, to which I received his most courteous assent. On stooping to enter at the door I was stopped, and found that permission from another was necessary before I could be admitted. A pig, which was fastened to a stake driven into the floor, with length of rope sufficient to permit him the enjoyment of sun and air, demanded some courtesy, which I showed him, and was suffered to enter. The wife was engaged in boiling thread; and by her side, near the fire, a lovely infant was sleeping, without any covering, on a bare board. Whether the fire gave additional glow to the countenance of the babe, or that Nature impressed on its unconscious cheek a blush that the lot of man should be exposed to such privations, I will not decide; but if the cause be referrible to the latter, it was in perfect unison with my own feelings. Two or three other children crowded round the mother: on their rosy countenances health seemed established in spite of filth and ragged garments. The dress of the poor woman was barely sufficient to satisfy decency. Her countenance bore the impression of a set melancholy, tinctured with an appearance of ill health. The hovel, which did not exceed twelve or fifteen feet in length, and ten in breadth, was half obscured by smoke—chimney or window I saw none; the door served the various pur-

poses of an inlet to light, and the outlet to smoke. The furniture consisted of two stools, an iron pot, and a spinning-wheel—while a sack stuffed with straw, and a single blanket laid on planks, served as a bed for the repose of the whole family. Need I attempt to describe my sensations? The statement alone cannot fail of conveying, to a mind like yours, an adequate idea of them—I could not long remain a witness to this acmé of human misery. As I left the deplorable habitation, the mistress followed me, to repeat her thanks for the trifle I had bestowed. This gave me an opportunity of observing her person more particularly. She was a tall figure, her countenance composed of interesting features, and with every appearance of having once been handsome.

'Unwilling to quit the village without first satisfying myself whether what I had seen was a solitary instance, or a sample of its general state—or whether the extremity of poverty I had just beheld had arisen from peculiar improvidence and want of management in one wretched family,—I went into an adjoining habitation, where I found a poor old woman of eighty, whose miserable existence was painfully continued by the maintenance of her granddaughter. Their condition, if possible, was more deplorable.'— *Curwen*, i. 181—183.

This wretchedness, of which all strangers who visit Ireland are so sensible, proceeds certainly, in great measure, from their accidental use of a food so cheap, that it encourages population to an extraordinary degree, lowers the price of labour, and leaves the multitudes which it calls into existence almost destitute of every thing but food. Many more live, in consequence of the introduction of potatoes; but all live in greater wretchedness. In the progress of population, the potato must of course become at last as difficult to be procured as any other food; and then let the political economist calculate what the immensity and wretchedness of a people must be, where the further progress of population is checked by the difficulty of procuring potatoes.

The consequence of the long mismanagement and oppression of Ireland, and of the singular circumstances in which it is placed, is, that it is a semibarbarous country;—more shame to those who have thus ill-treated a fine country, and a fine people; but it is part of the

present case of Ireland. The barbarism of Ireland is evinced by the frequency and ferocity of duels,—the hereditary clannish feuds of the common people, and the fights to which they give birth,—the atrocious cruelties practised in the insurrections of the common people,—and their proneness to insurrection. The lower Irish live in a state of greater wretchedness than any other people in Europe, inhabiting so fine a soil and climate. It is difficult, often impossible, to execute the processes of law. In cases where gentlemen are concerned, it is often not even attempted. The conduct of under-sheriffs is often very corrupt.* We are afraid the magistracy of Ireland is very inferior to that of this country; the spirit of jobbing and bribery is very widely diffused, and upon occasions when the utmost purity prevails in the sister kingdom. Military force is necessary all over the country, and often for the most common and just operations of Government. The behaviour of the higher to the lower orders is much less gentle and decent than in England. Blows from superiors to inferiors are more frequent, and the punishment for such aggression more doubtful. The word *gentleman* seems, in Ireland, to put an end to most processes of law. Arrest a gentleman!!!!—take out a warrant against a gentleman—are modes of operation not very common in the administration of Irish justice. If a man strike the meanest peasant in England, he is either knocked down in his turn, or immediately taken before a magistrate. It is impossible to live in Ireland, without perceiving the various points in which it is inferior in civilisation. Want of unity in feeling and interest among the people,—irritability, violence, and revenge,—want of comfort and cleanliness in the lower orders,—habitual disobedience to the law,—want of confidence in magistrates,—corruption, venality, the perpetual necessity of recurring to military force,—all carry back the observer to that remote and early condition of mankind, which

* The difficulty often is to catch the sheriff.

an Englishman can learn only in the pages of the antiquary or the historian. We do not draw this picture for censure, but for truth. We admire the Irish,—feel the most sincere pity for the state of Ireland,—and think the conduct of the English to that country to have been a system of atrocious cruelty and contemptible meanness. With such a climate, such a soil, and such a people, the inferiority of Ireland to the rest of Europe is directly chargeable to the long wickedness of the English Government.

A direct consequence of the present uncivilised state of Ireland is, that very little English capital travels there. The man who deals in steam-engines, and warps and woofs, is naturally alarmed by Peep-of-Day Boys, and nocturnal Carders; his object is to buy and sell as quickly and quietly as he can; and he will naturally bear high taxes and rivalry in England, or emigrate to any part of the Continent, or to America, rather than plunge into the tumult of Irish politics and passions. There is nothing which Ireland wants more than large manufacturing towns, to take off its superfluous population. But internal peace must come first, and then the arts of peace will follow. The foreign manufacturer will hardly think of embarking his capital, where he cannot be sure that his existence is safe. Another check to the manufacturing greatness of Ireland, is the scarcity—not of coal—but of good coal, cheaply raised; an article in which (in spite of papers in the Irish Transactions) they are lamentably inferior to the English.

Another consequence from some of the causes we have stated, is the extreme idleness of the Irish labourer. There is nothing of the value of which the Irish seem to have so little notion as that of time. They scratch, pick, daudle, stare, gape, and do any thing but strive and wrestle with the task before them. The most ludicrous of all human objects, is an Irishman ploughing. A gigantic figure—a seven-foot machine for turning potatoes into human nature, wrapt up in an immense great coat, and urging on two starved ponies, with dreadful imprecations, and uplifted shillala. The Irish crow discerns a

coming perquisite, and is not inattentive to the proceedings of the steeds. The furrow which is to be the depositary of the future crop, is not unlike, either in depth or regularity, to those domestic furrows which the nails of the meek and much-injured wife plough, in some family quarrel, upon the cheeks of the deservedly punished husband. The weeds seem to fall contentedly, knowing that they have fulfilled their destiny, and left behind them, for the resurrection of the ensuing spring, an abundant and healthy progeny. The whole is a scene of idleness, laziness, and poverty, of which it is impossible, in this active and enterprising country, to form the most distant conception; but strongly indicative of habits, whether secondary or original, which will long present a powerful impediment to the improvement of Ireland.

The Irish character contributes something to retard the improvements of that country. The Irishman has many good qualities: he is brave, witty, generous, eloquent, hospitable, and open-hearted; but he is vain, ostentatious, extravagant, and fond of display—light in counsel — deficient in perseverance — without skill in private or public economy — an enjoyer, not an acquirer — one who despises the slow and patient virtues —who wants the superstructure without the foundation — the result without the previous operation — the oak without the acorn and the three hundred years of expectation. The Irish are irascible, prone to debt, and to fight, and very impatient of the restraints of law. Such a people are not likely to keep their eyes steadily upon the main chance, like the Scotch or the Dutch. England strove very hard, at one period, to compel the Scotch to pay a double Church; — but Sawney took his pen and ink; and finding what a sum it amounted to, became furious, and drew his sword. God forbid the Irishman should do the same! the remedy, now, would be worse than the disease: but if the oppressions of England had been more steadily resisted a century ago, Ireland would not have been the scene of poverty, misery, and distress which it now is.

The Catholic religion, among other causes, contributes to the backwardness and barbarism of Ireland. Its debasing superstition, childish ceremonies, and the profound submission to the priesthood which it teaches, all tend to darken men's minds, to impede the progress of knowledge and inquiry, and to prevent Ireland from becoming as free, as powerful, and as rich as the sister kingdom. Though sincere friends to Catholic emancipation, we are no advocates for the Catholic religion. We should be very glad to see a general conversion to Protestantism among the Irish; but we do not think that violence, privations, and incapacities, are the proper methods of making proselytes.

Such, then, is Ireland at this period, — a land more barbarous than the rest of Europe, because it has been worse treated and more cruelly oppressed. Many of the incapacities and privations to which the Catholics were exposed, have been removed by law; but, in such instances, they are still incapacitated and deprived by custom. Many cruel and oppressive laws are still enforced against them. A ninth part of the population engrosses all the honours of the country; the other nine pay a tenth of the product of the earth for the support of a religion in which they do not believe. There is little capital in the country. The great and rich men are called by business, or allured by pleasure, into England; their estates are given up to factors, and the utmost farthing of rent extorted from the poor, who, if they give up the land, cannot get employment in manufactures, or regular employment in husbandry. The common people use a sort of food so very cheap, that they can rear families, who cannot procure employment, and who have little more of the comforts of life than food. The Irish are light-minded — want of employment has made them idle — they are irritable and brave — have a keen remembrance of the past wrongs they have suffered, and the present wrongs they are suffering, from England. The consequence of all this is, eternal riot and insurrection, a whole army of soldiers in time of profound peace,

and general rebellion whenever England is busy with other enemies, or off her guard! And thus it will be while the same causes continue to operate, for ages to come, — and worse and worse as the rapidly increasing population of the Catholics becomes more and more numerous.

The remedies are, time and justice; and that justice consists in repealing all laws which make any distinction between the two religions; in placing over the government of Ireland, not the stupid, amiable, and insignificant noblemen who have too often been sent there, but men who feel deeply the wrongs of Ireland, and who have an ardent wish to heal them; who will take care that Catholics, when eligible, shall be elected*; who will share the patronage of Ireland proportionally among the two parties, and give to just and liberal laws the same vigour of execution which has hitherto been reserved only for decrees of tyranny, and the enactments of oppression. The injustice and hardship of supporting two churches must be put out of sight, if it cannot or ought not to be cured. The political economist, the moralist, and the satirist, must combine to teach moderation and superintendence to the great Irish proprietors. Public talk and clamour may do something for the poor Irish, as it did for the slaves in the West Indies. Ireland will become more quiet under such treatment, and then more rich, more comfortable, and more civilised; and the horrid spectacle of folly and tyranny, which it at present exhibits, may in time be removed from the eyes of Europe.

There are two eminent Irishmen now in the House of Commons, Lord Castlereagh and Mr. Canning, who will subscribe to the justness of every syllable we have said upon this subject; and who have it in their power, by making it the condition of their remaining in office, to liberate their native country, and raise it to its just rank among the nations of the earth. Yet the Court buys them over, year after year, by the pomp and perquisites

* Great merit is due to the Whigs for the patronage bestowed on Catholics.

of office; and year after year they come into the House of Commons, feeling deeply, and describing powerfully, the injuries of five millions of their countrymen, — and *continue* members of a Government that inflicts those evils, under the pitiful delusion that it is not a Cabinet Question, — as if the scratchings and quarrellings of Kings and Queens could alone cement politicians together in indissoluble unity, while the fate and fortune of one third of the empire might be complimented away from one minister to another, without the smallest breach in their Cabinet alliance. Politicians, at least honest politicians, should be very flexible and accommodating in little things, very rigid and inflexible in great things. And is this *not* a great thing? Who has painted it in finer and more commanding eloquence than Mr. Canning? Who has taken a more sensible and statesmanlike view of our miserable and cruel policy, than Lord Castlereagh? You would think, to hear them, that the same planet could not contain them and the oppressors of their country, — perhaps not the same solar system. Yet for money, claret, and patronage, they lend their countenance, assistance, and friendship, to the Ministers who are the stern and inflexible enemies to the emancipation of Ireland!

Thank God that all is not profligacy and corruption in the history of that devoted people — and that the name of Irishman does not always carry with it the idea of the oppressor or the oppressed — the plunderer or the plundered — the tyrant or the slave! Great men hallow a whole people, and lift up all who live in their time. What Irishman does not feel proud that he has lived in the days of GRATTAN? who has not turned to him for comfort, from the false friends and open enemies of Ireland? who did not remember him in the days of its burnings and wastings and murders? No Government ever dismayed him — the world could not bribe him — he thought only of Ireland — lived for no other object — dedicated to her his beautiful fancy, his elegant wit, his manly courage, and all the splendour of his astonishing eloquence. He was so born, and so gifted, that poetry,

forensic skill, elegant literature, and all the highest attainments of human genius, were within his reach ; but he thought the noblest occupation of a man was to make other men happy and free; and in that straight line he went on for fifty years, without one side-look, without one yielding thought, without one motive in his heart which he might not have laid open to the view of God and man. He is gone! — but there is not a single day of his honest life of which every good Irishman would not be more proud, than of the whole political existence of his countrymen, — the annual deserters and betrayers of their native land.

ANASTASIUS. (E. Review, 1821.)

Anastasius; or, Memoirs of a Greek, written in the 18th Century. London. Murray. 3 vols. 8vo.

Anastasius is a sort of oriental Gil Blas, who is tossed about from one state of life to another,—sometimes a beggar in the streets of Constantinople, and at others, an officer of the highest distinction under an Egyptian Bey,—with that mixture of good and evil, of loose principles and popular qualities, which, against our moral feelings and better judgment, render a novel pleasing, and an hero popular. Anastasius is a greater villain than Gil Blas, merely because he acts in a worse country, and under a worse government. Turkey is a country in the last stage of *Castlereagh-ery* and *Vansittartism;* it is in that condition to which we are steadily approaching—a political *finish;*—the sure result of just and necessary wars, interminable burthens upon affectionate people, green bags, strangled sultanas, and murdered mobs. There are, in the world, all shades and gradations of tyranny. The Turkish, or last, puts the pistol and stiletto in action. Anastasius, therefore, among his other pranks, makes nothing of two or three murders; but they are committed in character, and are suitable enough to the temper and disposition of a lawless Turkish soldier; and this is the justification of the book, which is called wicked, but for no other reason than because it accurately paints the manners of a people become wicked from the long and uncorrected abuses of their Government.

One cardinal fault which pervades this work is, that it is too long;—in spite of the numerous fine passages with which it abounds, there is too much of it;—and it is a relief, not a disappointment, to get to the end. Mr.

Hope, too, should avoid humour, in which he certainly does not excel. His attempts of that nature are among the most serious parts of the book. With all these objections (and we only mention them in case Mr. Hope writes again), there are few books in the English language which contain passages of greater power, feeling, and eloquence, than this novel, — which delineate frailty and vice with more energy and acuteness, or describe historical scenes with such bold imagery, and such glowing language. Mr. Hope will excuse us, — but we could not help exclaiming, in reading it, Is this Mr. Thomas Hope? — Is this the man of chairs and tables — the gentleman of sphinxes — the Œdipus of coal-boxes — he who meditated on muffineers and planned pokers? — Where has he hidden all this eloquence and poetry up to this hour? — How is it that he has, all of a sudden, burst out into descriptions which would not disgrace the pen of Tacitus — and displayed a depth of feeling and a vigour of imagination which Lord Byron could not excel? We do not shrink from one syllable of this eulogium. The work now before us places him at once in the highest list of eloquent writers, and of superior men.

Anastasius, the hero of the tale, is a native of Chios, the son of the drogueman to the French Consul. The drogueman, instead of bringing him up to make Latin verses, suffered him to run wild about the streets of Chios, where he lives for some time a lubberly boy, and then a profligate youth. His first exploit is to debauch the daughter of his acquaintance, from whom (leaving her in a state of pregnancy) he runs away, and enters as a cabin-boy in a Venetian brig. The brig is taken by Maynote pirates: the pirates by a Turkish frigate, by which he is landed at Nauplia, and marched away to Argos, where the captain, Hassan Pacha, was encamped with his army.

'I had never seen an encampment: and the novel and striking sight absorbed all my faculties in astonishment and awe. There seemed to me to be forces sufficient to subdue the whole world; and I knew not which most to admire, the endless clusters of

tents, the enormous piles of armour, and the rows of threatening cannon, which I met at every step, or the troops of well mounted spahees, who like dazzling meteors, darted by us on every side, amid clouds of stifling dust. The very dirt with which the nearer horsemen bespattered our humble troop, was, as I thought, imposing; and every thing upon which I cast my eyes gave me a feeling of nothingness, which made me shrink within myself like a snail in its cell. I envied not only those who were destined to share in all the glory and success of the expedition, but even the meanest follower of the camp, as a being of a superior order to myself; and, when suddenly there arose a loud flourish of trumpets, which, ending in a concert of cymbals and other war-like instruments, re-echoed in long peals from all the surrounding mountains, the clang shook every nerve in my body, thrilled me to the very soul, and infused in all my veins a species of martial ardour so resistless, that it made me struggle with my fetters, and try to tear them asunder. Proud as I was by nature, I would have knelt to whoever had offered to liberate my limbs, and to arm my hands with a sword or a battle-axe.'—(I. 36, 37.)

From his captive state he passes into the service of Mavroyeni, Hassan's drogueman, with whom he ingratiates himself, and becomes a person of consequence. In the service of this person, he receives from old Demo, a brother domestic, the following admirable lecture on masters:—

'"Listen, young man," said he, "whether you like it or not. For my own part, I have always had too much indolence, not to make it my study throughout life rather to secure ease than to labour for distinction. It has therefore been my rule to avoid cherishing in my patron any outrageous admiration of my capacity, which would have increased my dependence while it lasted, and exposed me to persecution on wearing out:—but you, I see, are of a different mettle: I therefore may point out to you the surest way to that more perilous height, short of which your ambition I doubt will not rest satisfied. When you have compassed it, you may remember old Demo, if you please.

'"Know, first, that all masters, even the least lovable, like to be loved. All wish to be served from affection rather than duty. It flatters their pride, and it gratifies their selfishness. They expect from this personal motive a greater devotion to their interest, and a more unlimited obedience to their commands. A master looks upon mere fidelity in his servant as his due,—as a thing scarce worth his thanks: but attachment he considers

as a compliment to his merit, and, if at all generous, he will reward it with liberality. Mavroyeni is more open than any body to this species of flattery. Spare it not therefore. If he speak to you kindly, let your face brighten up. If he talk to you of his own affairs, though it should only be to dispel the tedium of conveying all day long other men's thoughts, listen with the greatest eagerness. A single yawn, and you are undone! Yet let not curiosity appear your motive, but the delight only of being honoured with his confidence. The more you appear grateful for the least kindness, the oftener you will receive important favours. Our ostentatious drogueman will feel a pleasure in raising your astonishment. His vanity knows no bounds. Give it scope therefore. When he comes home choking with its suppressed ebullitions, be their ready and patient receptacle: — do more; discreetly help him on in venting his conceit; provide him with a cue; hint what you heard certain people, not knowing you to be so near, say of his capacity, his merit, and his influence. He wishes to persuade the world that he completely rules the Pasha. Tell him not flatly he does, but assume it as a thing of general notoriety. Be neither too candid in your remarks, nor too fulsome in your flattery. Too palpable deviations from fact might appear a satire on your master's understanding. Should some disappointment evidently ruffle his temper, appear not to conceive the possibility of his vanity having received a mortification. Preserve the exact medium between too cold a respect and too presumptuous a forwardness. However much Mavroyeni may caress you in private, never seem quite at ease with him in public. A master still likes to remain master, or, at least, to appear so to others. Should you get into some scrape, wait not to confess your imprudence until concealment becomes impossible; nor try to excuse the offence. Rather than that you should, by so doing, appear to make light of your guilt, exaggerate your self-upbraidings, and throw yourself entirely upon the drogueman's mercy. On all occasions take care how you appear cleverer than your lord, even in the splitting of a pen; or if you cannot avoid excelling him in some trifle, give his own tuition all the credit of your proficiency. Many things he will dislike, only because they come not from himself. Vindicate not your innocence when unjustly rebuked; rather submit for the moment; and trust that, though Mavroyeni never will expressly acknowledge his error, he will in due time pay you for your forbearance." — (I. 43—45.)

In the course of his service with Mavroyeni, he bears arms against the Arnoots, under the Captain Hassan

Pacha; and a very animated description is given of his first combat.

'I undressed the dead man completely.—When, however, the business which engaged all my attention was entirely achieved, and that human body, of which, in the eagerness for its spoil, I had only thus far noticed the separate limbs one by one, as I stripped them, all at once struck my sight in its full dimensions, as it lay naked before me;—when I contemplated that fine athletic frame, but a moment before full of life and vigour unto its finger's ends, now rendered an insensible corpse by the random shot of a raw youth whom in close combat its little finger might have crushed, I could not help feeling, mixed with my exultation, a sort of shame, as if for a cowardly advantage obtained over a superior being; and, in order to make a kind of atonement to the shade of an Epirote—of a kinsman—I exclaimed with outstretched hands, "Cursed be the paltry dust which turns the warrior's arm into a mere engine, and striking from afar an invisible blow, carries death no one knows whence to no one knows whom; levels the strong with the weak, the brave with the dastardly; and enabling the feeblest hand to wield its fatal lightning, makes the conqueror slay without anger, and the conquered die without glory."'—(I. 54, 55.)

The campaign ended, he proceeds to Constantinople with the drogueman, where his many intrigues and debaucheries end with the drogueman's turning him out of doors. He lives for some time at Constantinople in great misery; and is driven, among other expedients, to the trade of quack-doctor.

'One evening, as we were returning from the Blacquernes, an old woman threw herself in our way, and, taking hold of my master's garment, dragged him almost by main force after her into a mean-looking habitation just by, where lay on a couch, apparently at the last gasp, a man of foreign features. "I have brought a physician," said the female to the patient, "who, perhaps, may relieve you." "Why will you"—answered he faintly—"still persist to feed idle hopes! I have lived an outcast: suffer me at least to die in peace; nor disturb my last moments by vain illusions. My soul pants to rejoin the supreme Spirit; arrest not its flight: it would only be delaying my eternal bliss!"

'As the stranger spoke these words—which struck even Yacoob sufficiently to make him suspend his professional grimace

— the last beams of the setting sun darted across the casement of the window upon his pale, yet swarthy features. Thus visited, he seemed for a moment to revive. "I have always," said he, "considered my fate as connected with the great luminary that rules the creation. I have always paid it due worship, and firmly believed I could not breathe my last while its rays shone upon me. Carry me therefore out, that I may take my last farewell of the heavenly ruler of my earthly destinies!"

'We all rushed forward to obey the mandate: but the stairs being too narrow, the woman only opened the window, and placed the dying man before it, so as to enjoy the full view of the glorious orb, just in the act of dropping beneath the horizon. He remained a few moments in silent adoration; and mechanically we all joined him in fixing our eyes on the object of his worship. It set in all its splendour; and when its golden disk had entirely disappeared, we looked round at the Parsee. He too had sunk into everlasting rest.' — (I. 103, 104.)

From the dispensation of chalk and water, he is then ushered into a Turkish jail, the description of which, and of the plague with which it is visited, are very finely written; and we strongly recommend them to the attention of our readers.

'Every day a capital fertile in crimes pours new offenders into this dread receptacle; and its high walls and deep recesses resound every instant with imprecations and curses, uttered in all the various idioms of the Othoman empire. Deep moans and dismal yells leave not its frightful echoes a moment's repose. From morning till night and from night till morning, the ear is stunned with the clang of chains, which the galley-slaves wear while confined in their cells, and which they still drag about when toiling at their tasks. Linked together two and two for life, should they sink under their sufferings, they still continue unsevered after death; and the man doomed to live on, drags after him the corpse of his dead companion. In no direction can the eye escape the spectacle of atrocious punishments and of indescribable agonies. Here, perhaps, you see a wretch whose stiffened limbs refuse their office, stop suddenly short in the midst of his labour, and, as if already impassible, defy the stripes that lay open his flesh, and wait in total immobility the last merciful blow that is to end his misery; while there, you view his companion foaming with rage and madness, turn against his own person his desperate hands, tear his clotted hair, rend

his bleeding bosom, and strike his skull, until it burst against the wall of his dungeon.' — (I. 110, 111.)

A few survived.

'I was among these scanty relics. I who, indifferent to life, had never stooped to avoid the shafts of death, even when they flew thickest around me, had more than once laid my finger on the livid wound they inflicted, had probed it as it festered, I yet remained unhurt: for sometimes the plague is a magnanimous enemy, and, while it seldom spares the pusillanimous victim, whose blood running cold ere it is tainted, lacks the energy necessary to repel the infection when at hand, it will pass him by who dares its utmost fury, and advances undaunted to meet its raised dart.' — (I. 121.)

In this miserable receptacle of guilty and unhappy beings, Anastasius forms and cements the strongest friendship with a young Greek, of the name of Anagnosti. On leaving the prison, he vows to make every exertion for the liberation of his friend — vows that are forgotten as soon as he is clear from the prison walls. After being nearly perished with hunger, and after being saved by the charity of an hospital, he gets into an intrigue with a rich Jewess—is detected — pursued—and, to save his life, turns Mussulman. This exploit performed, he suddenly meets his friend Anagnosti—treats him with disdain — and, in a quarrel which ensues between them, stabs him to the heart.

'"Life," says the dying Anagnosti, "has long been bitterness: death is a welcome guest: I rejoin those that love me, and in a better place. Already, methinks, watching my flight, they stretch out their arms from heaven to their dying Anagnosti. Thou, — if there be in thy breast one spark of pity left for him thou once namedst thy brother; for him to whom a holy tie, a sacred vow..... Ah! suffer not the starving hounds in the street.....See a little hallowed earth thrown over my wretched corpse." These words were his last.' — (I. 209.)

The description of the murderer's remorse is among the finest passages in the work.

'From an obscure aisle in the church I beheld the solemn service; saw on the field of death the pale stiff corpse lowered

into its narrow cell, and hoping to exhaust sorrow's bitter cup, at night, when all mankind hushed its griefs, went back to my friend's final resting-place, lay down upon his silent grave, and watered with my tears the fresh-raised hollow mound.

'In vain! Nor my tears nor my sorrows could avail. No offerings nor penance could purchase me repose. Wherever I went, the beginning of our friendship and its issue still alike rose in view; the fatal spot of blood still danced before my steps, and the reeking dagger hovered before my aching eyes. In the silent darkness of the night I saw the pale phantom of my friend stalk round my watchful couch, covered with gore and dust: and even during the unavailing riots of the day, I still beheld the spectre rise over the festive board, glare on me with piteous look, and hand me whatever I attempted to reach. But whatever it presented seemed blasted by its touch. To my wine it gave the taste of blood, and to my bread the rank flavour of death!' — (I. 212, 213.)

We question whether there is in the English language a finer description than this. We request our readers to look at the very beautiful and affecting picture of remorse, pp. 214, 215. vol. i.

Equally good, but in another way, is the description of the Opium Coffeehouse.

'In this tchartchee might be seen any day a numerous collection of those whom private sorrows have driven to a public exhibition of insanity. There each reeling idiot might take his neighbour by the hand, and say, "Brother, and what aileth thee, to seek so dire a cure?" There did I with the rest of its familiars now take my habitual station in my solitary niche, like an insensible motionless idol, sitting with sightless eyeballs staring on vacuity.

'One day, as I lay in less entire absence than usual under the purple vines of the porch, admiring the gold-tipped domes of the majestic Sulimanye, the appearance of an old man with a snow-white beard, reclining on the couch beside me, caught my attention. Half plunged in stupor, he every now and then burst out into a wild laugh, occasioned by the grotesque phantasms which the ample dose of madjoon he had just swallowed was sending up to his brain. I sat contemplating him with mixed curiosity and dismay, when, as if for a moment roused from his torpor, he took me by the hand, and fixing on my countenance

his dim vacant eyes, said in an impressive tone, "Young man, thy days are yet few; take the advice of one who, alas! has counted many. Lose no time; hie thee hence, nor cast behind one lingering look: but if thou hast not the strength, why tarry even here? Thy journey is but half achieved. At once go on to that large mansion before thee. It is thy ultimate destination; and by thus beginning where thou must end at last, thou mayest at least save both thy time and thy money."'—(I. 215, 216.)

Lingering in the streets of Constantinople, Anastasius hears that his mother is dead, and proceeds to claim that heritage which, by the Turkish law in favour of proselytes, had devolved upon him.

'"How often," he exclaims (after seeing his father in the extremity of old age)—"how often does it happen in life, that the most blissful moments of our return to a long-left home are those only that just precede the instant of our arrival; those during which the imagination still is allowed to paint in its own unblended colours the promised sweets of our reception! How often, after this glowing picture of the phantasy, does the reality which follows appear cold and dreary! How often do even those who grieved to see us depart, grieve more to see us return! and how often do we ourselves encounter nothing but sorrow, on again beholding the once happy, joyous promoters of our own hilarity, now mournful, disappointed, and themselves needing what consolation we may bring!'"—(I. 239, 240.)

During his visit to Chios, he traces and describes the dying misery of Helena, whom he had deserted, and then debauches her friend Agnes. From thence he sails to Rhodes, the remnants of which produce a great deal of eloquence and admirable description—(pp. 275, 276. vol. i.) From Rhodes he sails to Egypt; and chap. 16. contains a short and very well written history of the origin and progress of the Mameluke government. The flight of Mourad, and the pursuit of this chief in the streets of Cairo*, would be considered as very fine passages in the best histories of antiquity. Our limits pre-

* P. 325. Vol. I.

vent us from quoting them. Anastasius then becomes a Mameluke; marries his master's daughter; and is made a Kiashef. In the numerous skirmishes into which he falls in his new military life, it falls to his lot to shoot, from an ambush, Assad, his inveterate enemy.

'Assad, though weltering in his blood, was still alive; but already the angel of death flapped his dark wings over the traitor's brow. Hearing footsteps advance, he made an effort to raise his head, probably in hopes of approaching succour: but beholding, but recognising only me, he felt that no hopes remained, and gave a groan of despair. Life was flowing out so fast, that I had only to stand still — my arms folded in each other — and with a steadfast eye to watch its departure. One instant I saw my vanquished foe, agitated by a convulsive tremor, open his eyes and dart at me a glance of impotent rage; but soon he averted them again, then gnashed his teeth, clenched his fist, and expired.' — (II. 92.)

We quote this, and such passages as these, to show the great power of description which Mr. Hope possesses. The vindictive man standing with his arms folded, and watching the blood flowing from the wound of his enemy, is very new and very striking.

After the death of his wife, he collects his property, quits Egypt, and visits Mekkah, and acquires the title and prerogatives of an Hadjee. After this he returns to the Turkish capital, renews his acquaintance with Spiridion, the friend of his youth, who in vain labours to reclaim him, and whom he at last drives away, disgusted with the vices and passions of Anastasius. We then find our Oriental profligate fighting as a Turkish captain in Egypt, against his old friends the Mamelukes; and afterwards employed in Wallachia, under his old friend Mavroyeni, against the Russians and Austrians. In this part of the work, we strongly recommend to our readers to look at the Mussulmans in a pastry-cook's shop during the Rhamadam, vol. iii. p. 164.; the village of beggars, vol. ii. p. 266.; the death of the Hungarian officer, vol. ii. p. 327.; and the last days of Mavroyeni, vol. ii. p. 356.; — not forgetting the walk over a field of battle, vol. ii. p. 252. The character of Mav-

royeni is extremely well kept up through the whole of the book; and his decline and death are drawn in a very spirited and masterly manner. The Spiridion part of the novel we are not so much struck with; we entirely approve of Spiridion, and ought to take more interest in him; but we cannot disguise the melancholy truth that he is occasionally a little long and tiresome. The next characters assumed by Anastasius are, a Smyrna debauchee, a robber of the desert, and a Wahabee. After serving some time with these sectaries, he returns to Smyrna, — finds his child missing, whom he had left there, — traces the little boy to Egypt, — recovers him, — then loses him by sickness; — and wearied of life, retires to end his days in a cottage in Carinthia. For striking passages in this part of the novel, we refer our readers to the description of the burial-places near Constantinople, vol. iii. pp. 11 — 13.; the account of Djezzar Pacha's retirement to his harem during the revolt, — equal to anything in Tacitus; and, above all, to the landing of Anastasius with his sick child, and the death of the infant. It is impossible not to see that this last picture is faithfully drawn from a sad and cruel reality. The account of the Wahabees is very interesting, vol. iii. p. 128.; and nothing is more so than the story of Euphrosyne. Anastasius had gained the affections of Euphrosyne, and ruined her reputation; he then wishes to cast her off, and to remove her from his house.

'"Ah no!" now cried Euphrosyne, convulsively clasping my knees: "be not so barbarous! Shut not your own door against her, against whom you have barred every once friendly door. Do not deny her whom you have dishonoured the only asylum she has left. If I cannot be your wife, let me be your slave, your drudge. No service, however mean, shall I recoil from when you command. At least before you I shall not have to blush. In your eyes I shall not be what I must seem in those of others; I shall not from you incur the contempt, which I must expect from my former companions: and my diligence to execute the lowest offices you may require, will earn for me, not only as a bare alms at your hands, that support which, however scanty, I can elsewhere only receive as an unmerited indulgence. Since I did a few days please your eye, I may still please it a

few days longer: — perhaps a few days longer therefore I may still wish to live; and when that last blessing, your love, is gone by, — when my cheek, faded with grief, has lost the last attraction that could arrest your favour, then speak, then tell me so, that, burthening you no longer, I may retire — and die!" — (III. 64, 65.)

Her silent despair, and patient misery, when she finds that she has not only ruined herself with the world, but lost his affections also, has the beauty of the deepest tragedy.

'Nothing but the most unremitting tenderness on my part could in some degree have revived her drooping spirits. — But when, after my excursion, and the act of justice on Sophia in which it ended, I re-appeared before the still trembling Euphrosyne, she saw too soon that that cordial of the heart must not be expected. One look she cast upon my countenance, as I sat down in silence, sufficed to inform her of my total change of sentiments; — and the responsive look by which it was met, tore for ever from her breast the last seeds of hope and confidence. Like the wounded snail she shrunk within herself, and thenceforth, cloked in unceasing sadness, never more expanded to the sunshine of joy. With her buoyancy of spirits she seemed even to lose all her quickness of intellect, nay all her readiness of speech; so that, not only fearing to embark with her in serious conversation, but even finding no response in her mind to lighter topics, I at last began to nauseate her seeming torpor and dulness, and to roam abroad even more frequently than before a partner of my fate remained at home, to count the tedious hours of my absence; while she — poor miserable creature — dreading the sneers of an unfeeling world, passed her time under my roof in dismal and heart-breaking solitude. — Had the most patient endurance of the most intemperate sallies been able to soothe my disappointment and to soften my hardness, Euphrosyne's angelic sweetness must at last have conquered: but in my jaundiced eye her resignation only tended to strengthen the conviction of her shame: and I saw in her forbearance nothing but the consequence of her debasement, and the consciousness of her guilt. "Did her heart," thought I, "bear witness to a purity on which my audacity dared first to cast a blemish, she could not remain thus tame, thus spiritless, under such an aggravation of my wrongs; and either she would be the first to quit my merciless roof, or at least she would not so fearfully avoid giving me even the most unfounded pretence

for denying her its shelter. — She must merit her sufferings to bear them so meekly!" — Hence, even when moved to real pity by gentleness so enduring, I seldom relented in my apparent sternness.' — (III. 72—74.)

With this we end our extracts from Anastasius. We consider it as a work in which great and extraordinary talent is evinced. It abounds in eloquent and sublime passages, — in sense, — in knowledge of history, — and in knowledge of human character; — but not in wit. It is too long: and if this novel perish, and is forgotten, it will be solely on that account. If it be the picture of vice, so is Clarissa Harlowe, and so is Tom Jones. There are no sensual and glowing descriptions in Anastasius, — nothing which corrupts the morals by inflaming the imagination of youth; and we are quite certain that every reader ends this novel with a greater disgust at vice, and a more thorough conviction of the necessity of subjugating passion, than he feels from reading either of the celebrated works we have just mentioned. The sum of our eulogium is, that Mr. Hope, without being very successful in his story, or remarkably skilful in the delineation of character, has written a novel, which all clever people of a certain age should read, because it is full of marvellously fine things.

SPRING GUNS. (E. Review, 1821.)

The Shooter's Guide. By J. B. Johnson. 12mo. Edwards and Knibb. 1819.

When Lord Dacre (then Mr. Brand) brought into the House of Commons his bill for the amendment of the Game Laws, a system of greater mercy and humanity was in vain recommended to that popular branch of the Legislature. The interests of humanity, and the interests of the lord of the manor, were not, however, opposed to each other; nor any attempt made to deny the superior importance of the last. No such bold or alarming topics were agitated; but it was contended that, if laws were less ferocious, there would be more partridges — if the lower orders of mankind were not torn from their families and banished to Botany Bay, hares and pheasants would be increased in number, or, at least, not diminished. It is not, however, till after long experience, that mankind ever think of recurring to humane expedients for effecting their objects. The rulers who ride the people never think of coaxing and patting till they have worn out the lashes of their whips, and broken the rowels of their spurs. The legislators of the trigger replied, that two laws had lately passed which would answer their purpose of preserving game: the one, an act for transporting men found with arms in their hands for the purposes of killing game in the night; the other, an act for rendering the buyers of the game equally guilty with the seller, and for involving both in the same penalty. Three seasons have elapsed since the last of these laws was passed; and we appeal to the experience of all the great towns in England, whether the difficulty of procuring game is in the slightest degree increased? — whether hares, partridges, and pheasants are not purchased with as much facility as before the passing this act? — whe-

ther the price of such unlawful commodities is even in the slightest degree increased? Let the Assize and Sessions' Calendars bear witness, whether the law for transporting poachers has not had the most direct tendency to encourage brutal assaults and ferocious murders. There is hardly now a jail-delivery in which some gamekeeper has not murdered a poacher — or some poacher a gamekeeper. If the question concerned the payment of five pounds, a poacher would hardly risk his life rather than be taken; but when he is to go to Botany Bay for seven years, he summons together his brother poachers — they get brave from rum, numbers, and despair — and a bloody battle ensues.

Another method by which it is attempted to defeat the depredations of the poacher is, by setting spring guns to murder any person who comes within their reach; and it is to this last new feature in the *supposed* Game Laws, to which, on the present occasion, we intend principally to confine our notice.

We utterly disclaim all hostility to the Game Laws in general. Game ought to belong to those who feed it. All the landowners in England are fairly entitled to all the game in England. These laws are constructed upon a basis of substantial justice; but there is a great deal of absurdity and tyranny mingled with them, and a perpetual and vehement desire on the part of the country gentlemen to push the provisions of these laws up to the highest point of tyrannical severity.

'Is it lawful to put to death by a spring gun, or any other machine, an unqualified person trespassing upon your woods or fields in pursuit of game, and who has received due notice of your intention, and of the risk to which he is exposed?' This, we think, is stating the question as fairly as can be stated. We purposely exclude gardens, orchards, and all contiguity to the dwelling-house. We exclude, also, all felonious intention on the part of the deceased. The object of his expedition shall be proved to be game; and the notice he received of his danger shall be allowed to be as complete as possible. It must also be part of the case, that the spring

gun was placed there for the express purpose of defending the game, by killing or wounding the poacher, or spreading terror, or doing any thing that a reasonable man ought to know would happen from such a proceeding.

Suppose any gentleman were to give notice that all other persons must abstain from his manors; that he himself and his servants paraded the woods and fields with loaded pistols and blunderbusses, and would shoot any body who fired at a partridge; and suppose he were to keep his word, and shoot through the head some rash trespasser who defied this bravado, and was determined to have his sport:—is there any doubt that he would be guilty of murder? We suppose no resistance on the part of the trespasser; but that, the moment he passes the line of demarcation with his dogs and gun, he is shot dead by the proprietor of the land from behind a tree. If this is not murder, what is murder? We will make the case a little better for the homicide squire. It shall be night; the poacher, an unqualified person, steps over the line of demarcation with his nets and snares, and is instantly shot through the head by the pistol of the proprietor. We have no doubt that this would be murder—that it ought to be considered as murder, and punished as murder. We think this so clear, that it would be a waste of time to argue it. There is no kind of resistance on the part of the deceased; no attempt to run away; he is not even challenged; but instantly shot dead by the proprietor of the wood, for no other crime than *the intention* of killing game unlawfully. We do not suppose that any man, possessed of the elements of law and common sense, would deny this to be a case of murder, let the previous notice to the deceased have been as perfect as it could be. It is true, a trespasser in a park may be killed; but then it is when he will not render himself to the keepers, upon a hue and cry to stand to the king's peace. But deer are property, game is not; and this power of slaying deer-stealers is by the 21st Edward I., *de Malefactoribus in Parcis*, and by 3d and 4th William & Mary, c. 10. So rioters may be killed, house-burners, ravishers, felons

refusing to be arrested, felons escaping, felons breaking gaol, men resisting a civil process—may all be put to death. All these cases of justifiable homicide are laid down and admitted in our books. But who ever heard, that to pistol a poacher was justifiable homicide? It has long been decided, that it is unlawful to kill a dog who is pursuing game in a manor. 'To decide the contrary,' says Lord Ellenborough, 'would outrage reason and sense.' (Vere *v.* Lord Cawdor and King, 11 *East*, 386.) Pointers have always been treated by the legislature with great delicacy and consideration. To '*wish to be a dog, and to bay the moon*,' is not quite so mad a wish as the poet thought it.

If these things are so, what is the difference between the act of firing yourself, and placing an engine which does the same thing? In the one case, your hand pulls the trigger; in the other, it places the wire which communicates with the trigger, and causes the death of the trespasser. There is the same intention of slaying in both cases—there is precisely the same human agency in both cases; only the steps are rather more numerous in the latter case. As to the bad effects of allowing proprietors of game to put trespassers to death at once, or to set guns that will do it, we can have no hesitation in saying, that the first method, of giving the power of life and death to esquires, would be by far the most humane. For, as we have observed in a previous Essay on the Game Laws, a live armigeral spring gun would distinguish an accidental trespasser from a real poacher —a woman or a boy from a man—perhaps might spare a friend or an acquaintance—or a father of a family with ten children—or a small freeholder who voted for Administration. But this new rural artillery must destroy, without mercy and selection, every one who approaches it.

In the case of Ilot *versus* Wilks, Esq., the four judges, Abbot, Bailey, Holroyd, and Best, gave their opinions *seriatim* on points connected with this question. In this case, as reported in Chetwynd's edition of Burn's Justice, 1820, vol. ii. p. 500., Abbot C. J. observes as follows:—

'I cannot say that repeated and increasing acts of aggression may not reasonably call for increased means of defence and protection. I believe that many of the persons who cause engines of this description to be placed in their grounds, do not do so with an intention to injure any person, but really believe that the publication of notices will prevent any person from sustaining an injury; and that no person having the notice given him, will be weak and foolish enough to expose himself to the perilous consequences of his trespass. Many persons who place such engines in their grounds, do so for the purpose of preventing, by means of terror, injury to their property, rather than from any motive of doing malicious injury.'

'Increased means of defence and protection,' but increased (his Lordship should remember) from the payment of five pounds to instant death—and instant death inflicted, not by the arm of law, but by the arm of the proprietor;—could the Lord Chief Justice of the King's Bench intend to say, that the impossibility of putting an end to poaching by other means would justify the infliction of death upon the offender? Is he so ignorant of the philosophy of punishing, as to imagine he has nothing to do but to give ten stripes instead of two, a hundred instead of ten, and a thousand, if a hundred will not do? to substitute the prison for pecuniary fines, and the gallows instead of the gaol? It is impossible so enlightened a Judge can forget, that the sympathies of mankind must be consulted; that it would be wrong to break a person upon the wheel for stealing a penny loaf, and that gradations in punishments must be carefully accommodated to gradations in crime; that if poaching is punished more than mankind in general think it ought to be punished, the fault will either escape with impunity, or the delinquent be driven to desperation; that if poaching and murder are punished equally, every poacher will be an assassin. Besides, too, if the principle is right in the unlimited and unqualified manner in which the Chief Justice puts it—if defence goes on increasing with aggression, the Legislature at least must determine upon their equal pace. If an act of Parliament made it a capital offence to poach upon a manor,

as it is to commit a burglary in a dwelling-house, it might then be as lawful to shoot a person for trespassing upon your manor, as it is to kill a thief for breaking into your house. But the real question is—and so in sound reasoning his Lordship should have put it—'If the law at this moment determine the aggression to be in such a state, that it merits only a pecuniary fine after summons and proof, has any sporadic squire the right to say, that it shall be punished with death, before any summons and without any proof?'

It appears to us, too, very singular, to say, that many persons who cause engines of this description to be placed in their ground, do not do so with an intention of injuring any person, but really believe that the publication of notices will prevent any person from sustaining an injury, and that no person, having the notice given him, will be weak and foolish enough to expose himself to the perilous consequences of his trespass. But if this be the real belief of the engineer—if he think the mere notice will keep people away—then he must think it a mere inutility that the guns should be placed at all: if he think that many will be deterred, and a few come, then he must mean to shoot those few. He who believes his gun will never be called upon to do its duty, need set no gun, and trust to rumour of their being set, or being loaded, for his protection. Against the gun and the powder we have no complaint; they are [illegible] fair and admissible: our quarrel is with the [illegible] who sets a *loaded* gun means it should [illegible] touched. But what signifies the mere [illegible] wish that there may be no mischief, when I perpetrate [illegible] which my common sense tells me may [illegible] worst mischief? If I hear a great noise in [illegible] bullet to keep people quiet, I may [illegible] intended to kill; I may have wished to [illegible] quiet, by mere terror, and I may have [illegible] strong hope that my object has been effected [illegible] of human life. Still I have done [illegible] sound intellect knows is likely to kill; [illegible] from my act, I am guilty of

murder. 'Further' (says Lord Coke), 'if there be an evil intent, though that intent extendeth not to death, it is murder. Thus, if a man, knowing that many people are in the street, throw a stone over the wall, intending only to frighten them, or to give them a little hurt, and thereupon one is killed—this is murder—for he had an ill intent; though that intent extended not to death, and though he knew not the party slain.' (3 *Inst.* 57.) If a man be not mad, he must be presumed to foresee common consequences; if he puts a bullet into a spring gun — he must be supposed to foresee that it will kill any poacher who touches the wire — and to that consequence he must stand. We do not suppose all preservers of game to be so bloodily inclined that they would prefer the death of a poacher to his staying away. Their object is to preserve game; they have no objection to preserve the lives of their fellow-creatures also, if both can exist at the same time; if not, the least worthy of God's creatures must fall—the rustic without a soul,—not the Christian partridge—not the immortal pheasant—not the rational woodcock, or the accountable hare.

The Chief Justice quotes the instance of glass and spikes fixed upon walls. He cannot mean to infer from this, because the law connives at the infliction of such small punishments for the protection of property, that it does allow, or ought to allow, proprietors to proceed to the punishment of death. Small means of annoying trespassers may be consistently admitted by the law, though more severe ones are forbidden, and ought to be forbidden; unless it follows, that what is good in any degree, is good in the highest degree. You may correct a servant boy with a switch; but if you bruise him sorely, you are liable to be indicted — if you kill him, you are hanged. A blacksmith corrected his servant with a bar of iron: the boy died, and the blacksmith was executed. (Grey's Case, *Kel.* 64, 65.) A woman kicked and stamped on the belly of her child — she was found guilty of murder. (1 *Fast. P. C.* 261.) *Si immoderate suo jure utatur, tunc reus homicidii sit.* There

is, besides, this additional difference in the two cases put by the Chief Justice, that no publication of notices can be so plain, in the case of the guns, as the sight of the glass or the spikes; for a trespasser may not believe in the notice which he receives, or he may think he shall see the gun, and so avoid it, or that he may have the good luck to avoid it, if he does not see it; whereas, of the presence of the glass or the spikes he can have no doubt; and he has no hope of placing his hand in any spot where they are not. In the one case he cuts his fingers upon full and perfect notice, the notice of his own senses; in the other case, he loses his life after a notice which he may disbelieve, and by an engine which he may hope to escape.

Mr. Justice Bailey observes, in the same case, that it is not an indictable offence to set spring guns: perhaps not. It is not an indictable offence to go about with a loaded pistol, intending to shoot any body who grins at you: but, if you do it, you are hanged: many inchoate acts are innocent, the consummation of which is a capital offence.

This is not a case where the motto applies of *Volenti non fit injuria*. The man does not will to be hurt, but he wills to get the game; and, with that rash confidence natural to many characters, believes he shall avoid the evil and gain the good. On the contrary, it is a case which exactly arranges itself under the maxim, *Quando aliquid prohibetur ex directo, prohibetur et per obliquum*. Give what notice he may, the proprietor cannot lawfully shoot a trespasser (who neither runs nor resists) with a loaded pistol; — he cannot do it *ex directo*; — how then can he do it *per obliquum*, by arranging on the ground the pistol which commits the murder?

Mr. Justice Best delivers the following opinion. His Lordship concluded as follows: —

'This case has been discussed at the bar, as if these engines were exclusively resorted to for the protection of game; but I consider them as lawfully applicable to the protection of every species of property against unlawful trespassers. But if even

they might not lawfully be used for the protection of game, I, for one, should be extremely glad to adopt such means, if they were found sufficient for that purpose; because I think it a great object that gentlemen should have a temptation to reside in the country, amongst their neighbours and tenantry, whose interests must be materially advanced by such a circumstance. The links of society are thereby better preserved, and the mutual advantage and dependence of the higher and lower classes of society, existing between each other, more beneficially maintained. We have seen, in a neighbouring country, the baneful consequences of the non-residence of the landed gentry; and in an ingenious work, lately published by a foreigner, we learn the fatal effects of a like system on the Continent. By preserving game, gentlemen are tempted to reside in the country; and, considering that the diversion of the field is the only one of which they can partake on their estates, I am of opinion that, for the purpose I have stated, it is of essential importance that this species of property should be inviolably protected.'

If this speech of Mr. Justice Best be correctly reported, it follows, that a man may put his fellow-creatures to death for any infringement of his property —for picking the sloes and blackberries off his hedges —for breaking a few dead sticks out of them by night or by day — with resistance or without resistance — with warning or without warning; — a strange method this of keeping up the links of society, and maintaining the dependence of the lower upon the higher classes. It certainly is of importance that gentlemen should reside on their estates in the country; but not that gentlemen with such opinions as these should reside. The more *they* are absent from the country, the less strain will there be upon those links to which the learned Judge alludes — the more firm that dependence upon which he places so just a value. In the case of Dean *versus* Clayton, Bart., the Court of Common Pleas were equally divided upon the lawfulness of killing a dog coursing a hare by means of a concealed dog-spear. We confess that we cannot see the least difference between transfixing with a spear, or placing a spear so that it will transfix; and, therefore, if Vere *versus* Lord Cawdor and King is good law, the action

could have been maintained in Dean *versus* Clayton; but the solemn consideration concerning the life of the pointer is highly creditable to all the judges. They none of them say that it is lawful to put a trespassing pointer to death under any circumstances, or that they themselves would be glad to do it; they all seem duly impressed with the recollection that they are deciding the fate of an animal faithfully ministerial to the pleasures of the upper classes of society: there is an awful desire to do their duty, and a dread of any rash and intemperate decision. Seriously speaking, we can hardly believe this report of Mr. Justice Best's speech to be correct; yet we take it from a book which guides the practice of nine tenths of all the magistrates of England. Does a Judge—a cool, calm man, in whose hands are the issues of life and death—from whom so many miserable trembling human beings await their destiny—does he tell us, and tell us in a court of justice, that he places such little value on the life of man, that he himself would plot the destruction of his fellow-creatures for the preservation of a few hares and partridges? 'Nothing which falls from me' (says Mr. Justice Bailey) 'shall have a tendency to encourage the practice.'—'I consider them' (says Mr. Justice Best) 'as lawfully applicable to the protection of every species of property; but even if they might not lawfully be used for the protection of game, *I for one should be extremely glad to adopt them*, if they were found sufficient for that purpose.' Can any man doubt to which of these two magistrates he would rather entrust a decision on his life, his liberty, and his possessions? We should be very sorry to misrepresent Mr. Justice Best, and will give to his disavowal of such sentiments, if he do disavow them, all the publicity in our power; but we have cited his very words conscientiously and correctly, as they are given in the Law Report. We have no doubt he meant to do his duty; we blame not his motives, but his feelings and his reasoning.

Let it be observed that, in the whole of this case, we have put every circumstance in favour of the murderer.

We have supposed it to be in the night-time; but a man may be shot in the day* by a spring gun. We have supposed the deceased to be a poacher; but he may be a very innocent man, who has missed his way — an unfortunate botanist, or a lover. We have supposed notice; but it is a very possible event that the dead man may have been utterly ignorant of the notice. This instrument, so highly approved of by Mr. Justice Best — this knitter together of the different orders of society — is levelled promiscuously against the guilty or the innocent, the ignorant and the informed. No man who sets such an infernal machine, believes that it can reason or discriminate; it is made to murder all alike, and it does murder all alike.

Blackstone says, that the law of England, like that of every other well-regulated community, is tender of the public peace, and careful of the lives of the subjects; 'that it will not suffer with impunity any crime to be prevented by death, *unless the same, if committed, would also be punished by death.*' (*Commentaries*, vol. iv. p. 182.) 'The law sets so high a value upon the life of a man, that it always intends some misbehaviour in the person who takes it away, unless by the command, or express permission of the law.' — 'And as to the necessity which excuses a man who kills another *se defendendo*, Lord Bacon calls even that *necessitas culpabilis.*' (*Commentaries*, vol. iv. p. 187.) So far this Luminary of the law. — But the very amusements of the rich are, in the estimation of Mr. Justice Best, of so great importance, that the poor are to be exposed to sudden death who interfere with them. There are other persons of the same opinion with this magistrate respecting the pleasures of the rich. In the last Session of Parliament a bill was passed, entitled 'An Act for the summary Punishment, in certain Cases, of Persons wilfully or maliciously damaging, or committing Trespasses on public or private Property.' *Anno primo* — (a bad

* Large damages have been given for wounds inflicted by spring guns set in a garden in the day-time, where the party wounded had no notice.

specimen of what is to happen) — *Georgii IV. Regis*, cap. 56. In this act it is provided, that 'if any person shall wilfully, *or* maliciously, commit any damage, injury, or spoil, upon any building, fence, hedge, gate, stile, guide-post, milestone, tree, wood, underwood, orchard, garden, nursery-ground, crops, vegetables, plants, land, or other matter or thing growing or being therein, or to or upon real or personal property of any nature or kind soever, he may be immediately seized by any body, without a warrant, taken before a magistrate, and fined (according to the mischief he has done) to the extent of 5*l.*; or, in default of payment, may be committed to the jail for three months.' And at the end comes a clause, exempting from the operation of this act *all mischief done in hunting, and by shooters who are qualified.* This is surely the most impudent piece of legislation that ever crept into the statute-book; and, coupled with Mr. Justice Best's declaration, constitutes the following affectionate relation between the different orders of society. Says the higher link to the lower, 'If you meddle with my game, I will immediately murder you; —if you commit the slightest injury upon my real or personal property, I will take you before a magistrate, and fine you five pounds. I am in Parliament, and you are not; and I have just brought in an act of Parliament for that purpose. But so important is it to you that my pleasures should not be interrupted, that I have exempted myself and friends from the operation of this act; and we claim the right (without allowing you any such summary remedy) of riding over your fences, hedges, gates, stiles, guide-posts, milestones, woods, underwoods, orchards, gardens, nursery-grounds, crops, vegetables, plants, lands, or other matters or things growing or being thereupon—including your children and yourselves, if you do not get out of the way.' Is there, upon earth, such a mockery of justice as an act of Parliament, pretending to protect property, sending a poor hedge-breaker to gaol, and specially exempting from its operation the accusing and the judging squire, who, at the tail of the hounds, have that morning, perhaps,

ruined as much wheat and seeds as would purchase fuel a whole year for a whole village?

It cannot be urged, in extenuation of such a murder as we have described, that the artificer of death had no particular malice against the deceased; that his object was general, and his indignation levelled against offenders in the aggregate. Every body knows that there is a malice by implication of law.

'In general, any formal design of doing mischief may be called malice; and therefore, not such killing only as proceeds from premeditated hatred and revenge against the person killed, but also, in many other cases, such as is accompanied with those circumstances that show the heart to be perversely wicked, is adjudged to be of malice prepense.'—2 *Haw.* c. 31.

'For, where the law makes use of the term, malice aforethought, as descriptive of the crime of murder, it is not to be understood in that narrow restrained sense in which the modern use of the word *malice* is apt to lead one, a principle of malevolence to particulars; for the law, by the term malice, *malitia*, in this instance, meaneth that the fact hath been attended with such circumstances as are the ordinary symptoms of a wicked heart regardless of social duty, and fatally bent upon mischief.' —*Fost.* 256, 257.

Ferocity is the natural weapon of the common people. If gentlemen of education and property contend with them at this sort of warfare, they will probably be defeated in the end. If spring guns are generally set—if the common people are murdered by them, and the Legislature does not interfere, the posts of gamekeeper and lord of the manor will soon be posts of honour and danger. The greatest curse under heaven (witness Ireland) is a peasantry demoralised by the barbarity and injustice of their rulers.

It is expected by some persons, that the severe operation of these engines will put an end to the trade of a poacher. This has always been predicated of every fresh operation of severity, that it was to put an end to poaching. But if this argument is good for one thing, it is

good for another. Let the first pickpocket who is taken be hung alive by the ribs, and let him be a fortnight in wasting to death. Let us seize a little grammar boy, who is robbing orchards, tie his arms and legs, throw over him a delicate puff-paste, and bake him in a bun-pan in an oven. If poaching can be extirpated by intensity of punishment, why not all other crimes? If racks and gibbets and tenter-hooks are the best method of bringing back the golden age, why do we refrain from so easy a receipt for abolishing every species of wickedness? The best way of answering a bad argument is not to stop it, but to let it go on in its course till it leaps over the boundaries of common sense. There is a little book called *Beccaria on Crimes and Punishments*, which we strongly recommend to the attention of Mr. Justice Best. He who has not read it, is neither fit to make laws, nor to administer them when made.

As to the idea of abolishing poaching altogether, we will believe that poaching is abolished when it is found impossible to buy game; or when they have risen so greatly in price, that none but people of fortune can buy them. But we are convinced this never can and never will happen. All the traps and guns in the world will never prevent the wealth of the merchant and manufacturer from commanding the game of the landed gentleman. You may, in the pursuit of this visionary purpose render the common people savage, ferocious, and vindictive; you may disgrace your laws, by enormous punishments, and the national character by these new secret assassinations; but you will never separate the wealthy glutton from his pheasant. The best way is, to take what you want, and to sell the rest fairly and openly. This is the real spring gun and steel trap which will annihilate, not the unlawful trader, but the unlawful trade.

There is a sort of horror in thinking of a whole land filled with lurking engines of death — machinations against human life under every green tree — traps and guns in every dusky dell and bosky bourn — the *feræ naturâ*, the lords of manors eyeing their peasantry as so

many butts and marks, and panting to hear the click of the trap and to see the flash of the gun. How any human being, educated in liberal knowledge and Christian feeling, can doom to certain destruction a poor wretch, tempted by the sight of animals that naturally appear to him to belong to one person as well as another, we are at a loss to conceive. We cannot imagine how he could live in the same village, and see the widow and orphans of the man whose blood he had shed for such a trifle. We consider a person who could do this to be deficient in the very elements of morals — to want that sacred regard to human life which is one of the corner stones of civil society. If he sacrifice the life of man for his mere pleasures, he would do so, if he dared, for the lowest and least of his passions. He may be defended, perhaps, by the abominable injustice of the Game Laws — though we think and hope he is not. But there rests upon his head, and there is marked in his account, the deep and indelible sin of *blood-guiltiness*.

PRISONS. (E. Review, 1821.)

1. *Thoughts on the Criminal Prisons of this Country, occasioned by the Bill now in the House of Commons, for Consolidating and Amending the Laws relating to Prisons; with some Remarks on the Practice of looking to the Task-Master of the Prison rather than to the Chaplain for the Reformation of Offenders; and of purchasing the Work of those whom the Law has condemned to hard Labour as a Punishment, by allowing them to spend a Portion of their Earnings during their Imprisonment.* By George Holford, Esq. M.P. Rivington. 1821.
2. *Gurney on Prisons.* Constable and Co. 1819.
3. *Report of Society for bettering the Condition of Prisons.* Bensley. 1820.

There are, in every county in England, large public schools, maintained at the expense of the county, for the encouragement of profligacy and vice, and for providing a proper succession of housebreakers, profligates, and thieves. They are schools, too, conducted without the smallest degree of partiality or favour; there being no man (however mean his birth, or obscure his situation,) who may not easily procure admission to them. The moment any young person evinces the slightest propensity for these pursuits, he is provided with food, clothing, and lodging, and put to his studies under the most accomplished thieves and cut-throats the county can supply. There is not, to be sure, a formal arrangement of lectures, after the manner of our Universities; but the petty larcenous stripling, being left destitute of every species of employment, and locked up with accomplished villains as idle as himself, listens to their pleasant narrative of successful crimes, and pants for the hour of freedom, that he may begin the same bold and interesting career.

This is a perfectly true picture of the prison establishments of many counties in England, and was so,

till very lately, of almost all; and the effects so completely answered the design, that, in the year 1818, there were committed to the gaols of the United Kingdom more than one hundred and seven thousand persons! * a number supposed to be greater than that of all the commitments in the other kingdoms of Europe put together.

The bodily treatment of prisoners has been greatly improved since the time of Howard. There is still, however, much to do; and the attention of good and humane people has been lately called to their state of moral discipline.

It is inconceivable to what a spirit of party this has given birth;—all the fat and sleek people—the enjoyers—the mumpsimus, and 'well as we are' people, are perfectly outrageous at being compelled to do their duty; and to sacrifice time and money to the lower orders of mankind. Their first resource was, to deny all the facts which were brought forward for the purposes of amendment; and the alderman's sarcasm of the Turkey carpet in gaols was bandied from one hard-hearted and fat-witted gentleman to another: but the advocates of prison-improvement are men in earnest—not playing at religion, but of deep feeling, and of indefatigable industry in charitable pursuits. Mr. Buxton went in company with men of the most irreproachable veracity; and found, in the heart of the metropolis, and in a prison of which the very Turkey carpet alderman was an official visiter, scenes of horror, filth, and cruelty, which would have disgraced even the interior of a slave-ship.

This dislike of innovation proceeds sometimes from the disgust excited by false humanity, canting hypocrisy, and silly enthusiasm. It proceeds also from a stupid and indiscriminate horror of change, whether of evil for good, or good for evil. There is also much party spirit in these matters. A good deal of these humane projects

* Report of Prison Society, xiv.

and institutions originate from Dissenters. The plunderers of the public, the jobbers, and those who sell themselves to some great man, who sells himself to a greater, all scent, from afar, the danger of political change, — are sensible that the correction of one abuse may lead to that of another — feel uneasy at any visible operation of public spirit and justice — hate and tremble at a man who exposes and rectifies abuses from a sense of duty — and think, if such things are suffered to be, that their candle-ends and cheese-parings are no longer safe: and these sagacious persons, it must be said for them, are not very wrong in this feeling. Providence, which has denied to them all that is great and good, has given them a fine tact for the preservation of their plunder: their real enemy is the spirit of inquiry — the dislike of wrong — the love of right — and the courage and diligence which are the concomitants of these virtues. When once this spirit is up, it may be as well directed to one abuse as another. To say you must not torture a prisoner with bad air and bad food, and to say you must not tax me without my consent, or that of my representative, are both emanations of the same principle, occurring to the same sort of understanding, congenial to the same disposition, published, protected, and enforced by the same qualities. This it is that really excites the horror against Mrs. Fry, Mr. Gurney, Mr. Bennet, and Mr. Buxton. Alarmists such as we have described have no particular wish that prisons should be dirty, gaolers cruel, or prisoners wretched; they care little about such matters either way; but all their malice and meanness is called up into action when they see secrets brought to light, and abuses giving way before the diffusion of intelligence, and the aroused feelings of justice and compassion. As for us, we have neither love of change, nor fear of it; but a love of what is just and wise, as far as we are able to find it out. In this spirit we shall offer a few observations upon prisons, and upon the publications before us.

The new law should keep up the distinction between Gaols and Houses of Correction. One of each should

exist in every county, either at a distance from each other, or in such a state of juxtaposition that they might be under the same governor. To the jail should be committed all persons accused of capital offences, whose trials would come on at the Assizes; to the house of correction, all offenders whose cases would be cognizable at the Quarter-sessions. Sentence of imprisonment in the house of correction, after trial, should cary with it hard labour; sentence of imprisonment in the jail, after trial, should imply an exemption from compulsory labour. There should be no compulsory labour in jails—only in houses of correction. In using the terms *Jail* and House of Correction, we shall always attend to these distinctions. Prisoners for trial should not only not be compelled to labour, but they should have every indulgence shown to them compatible with safety. No chains—much better diet than they commonly have—all possible access to their friends and relations—and means of earning money if they choose it. The broad and obvious distinction between prisoners before and after trial should constantly be attended to; to violate it is gross tyranny and cruelty.

The jails for men and women should be so far separated, that nothing could be seen or heard from one to the other. The men should be divided into two classes 1*st*, those who are not yet tried; 2*dly*, those who are tried and convicted. The first class should be divided into those who are accused as misdemeanants and as felons; and each of these into first misdemeanants and second misdemeanants, men of better and worse character; and the same with felons. The second class should be divided into, 1*st*, persons condemned to death; 2*dly*, persons condemned for transportation; 3*dly*, first class confined, or men of the best character under sentence of confinement; 4*thly*, second *confined*, or men of worse character under sentence of confinement. To these are to be added separate places for king's evidence, boys, lunatics, and places for the first reception of prisoners, before they can be examined and classed:—a chapel, hospital, yards, and workshops for such as are willing to work.

The classifications in jails will then be as follows: —

Men before Trial.	*Men after trial.*
1*st* Misdemeanants.	Sentenced to death.
2*d* Ditto.	Ditto transportation.
1*st* Felons.	1*st* Confined.
2*d* Ditto.	2*d* Confined.

Other Divisions in a Jail.

King's Evidence.
Criminal Lunatics.
Boys.
Prisoners on their first reception.
And the same divisions for Women.

But there is a division still more important than any of these; and that is, a division into much smaller numbers than are gathered together in prisons: — 40, 50, and even 70 and 80 felons, are often placed together in one yard, and live together for months previous to their trial. Any classification of offences, while there is such a multitude living together of one class, is perfectly nugatory and ridiculous; no character can escape from corruption and extreme vice in such a school. The law ought to be peremptory against the confinement of more than fifteen persons together of the same class. Unless some measure of this kind is resorted to, all reformation in prisons is impossible.*

A very great, and a very neglected object in prisons, is Diet. There should be, in every jail and house of correction, four sorts of diet; 1*st*, Bread and water; 2*dly*, Common prison diet, to be settled by the magistrates; 3*dly*, Best prison diet, to be settled by ditto; 4*thly*, Free diet, from which spirituous liquors altogether, and fermented liquors in excess, are excluded. All prisoners, before trial, should be allowed best prison

* We should much prefer solitary imprisonment; but are at present speaking of the regulations in jails where that system is excluded.

diet, and be upon free diet, if they could afford it. Every sentence for imprisonment should expressly mention to which diet the prisoner is confined; and no other diet should be, on any account, allowed to such prisoner after his sentence. Nothing can be so preposterous, and criminally careless, as the way in which persons confined upon sentence are suffered to live in prisons. Misdemeanants, who have money in their pockets, may be seen in many of our prisons with fish, buttered veal, rump steaks, and every kind of luxury; and as the practice prevails of allowing them to purchase a pint of ale each, the rich prisoner purchases many pints of ale in the name of his poorer brethren, and drinks them himself. A jail should be a place of punishment, from which men recoil with horror—a place of real suffering painful to the memory, terrible to the imagination; but if men can live idly, and live luxuriously, in a clean, well-aired, well-warmed, spacious habitation, is it any wonder that they set the law at defiance, and brave that magistrate who restores them to their former luxury and ease? There are a set of men well known to jailers, called *Family-men*, who are constantly returning to jail, and who may be said to spend the greater part of their life there,—up to the time when they are hanged.

Minutes of Evidence taken before Select Committee on Gaols.

'Mr. William Beeby, *Keeper of the New Clerkenwell Prison.*—Have you many prisoners that return to you on re-commitment? A vast number; some of them are frequently discharged in the morning, and I have them back again in the evening; or they have been discharged in the evening, and I have had them back again in the morning.'—*Evidence before the Committee of the House of Commons in* 1819, p. 278.

'Francis Const, Esq., *Chairman of the Middlesex Quarter-sessions.*—Has that opinion been confirmed by any conduct you have observed in prisoners that have come before you for trial? I only judge from the opposite thing, that, going into a place where they can be idle, and well protected from any inconveniences of the weather, and other things that poverty is open to, they are not amended at all; they laugh at it frequently, and desire to go to the House of Correction. Once or twice, in

the early part of the winter, upon sending a prisoner for two months, he has asked whether he could not stay longer, or words to that effect. It is an insulting way of saying they like it.'—*Evidence before the Committee of the House of Commons in* 1819, p. 285.

The fact is, that a thief is a very dainty gentleman. *Male parta cito dilabuntur.* He does not rob to lead a life of mortification and self-denial. The difficulty of controlling his appetites, in all probability, first led him to expenses, which made him a thief to support them. Having lost character, and become desperate, he orders crab and lobster and veal cutlets at a public house, while a poor labourer is refreshing himself with bread and cheese. The most vulnerable part of a thief is his belly; and there is nothing he feels more bitterly in confinement than a long course of water-gruel and flour-puddings. It is a mere mockery of punishment to say, that such a man shall spend his money in luxurious viands, and sit down to dinner with fetters on his feet, and fried pork in his stomach.

Restriction to diet in prison is still more necessary, when it is remembered that it is impossible to avoid making a prison, in some respects, more eligible than the home of a culprit. It is almost always more spacious, cleaner, better ventilated, better warmed. All these advantages are inevitable on the side of the prison. The means, therefore, of making a prison a disagreeable place, are not to be neglected; and of these, none are more powerful than a limitation of diet. If this be neglected, the sentencing of a man to prison will be this—and it might better be put in these words—

'Prisoner at the Bar, you are fairly convicted, by a jury of your country, of having feloniously stolen two pigs, the property of Stephen Muck, farmer. The Court having taken into consideration the frequency and enormity of this offence, and the necessity of restraining it with the utmost severity of punishment, do order and adjudge that you be confined for six months in a house larger, better, better aired, and warmer than your own,

in company with 20 or 30 young persons in as good health and spirits as yourself. You need do no work; and you may have any thing for breakfast, dinner, and supper, you can buy. In passing this sentence, the Court hope that your example will be a warning to others; and that evil-disposed persons will perceive, from your suffering, that the laws of their country are not to be broken with impunity.'

As the diet, according to our plan, is always to be a part of the sentence, a Judge will, of course, consider the nature of the offence for which the prisoner is committed, as well as the quality of the prisoner: and we have before stated, that all prisoners, before trial, should be upon the best prison diet, and unrestricted as to what they could purchase, always avoiding intemperance.

These gradations of diet being fixed in all prisons, and these definitions of Jail and House of Correction being adhered to, the punishment of imprisonment may be apportioned with the greatest nicety, either by the statute, or at the discretion of the Judge, if the law chooses to give him that discretion. There will be—

Imprisonment for different degrees of time.
Imprisonment solitary, or in company, or in darkness.
In jails without labour.
In houses of correction with labour.
Imprisonment with diet on bread and water.
Imprisonment with common prison diet.
Imprisonment with best prison diet.
Imprisonment with free diet.

Every sentence of the Judge should state diet, as well as light or darkness, time, place, solitude, society, labour or ease; and we are strongly of opinion, that the punishment in prisons should be sharp and short. We would, in most cases, give as much of solitary confinement as would not injure men's minds, and as much of bread and water diet as would not injure their bodies. A return to prison should be contemplated with horror—horror, not excited by the ancient filth, disease, and extortion of

jails; but by calm, well-regulated, well-watched austerity —by the gloom and sadness wisely and intentionally thrown over such an abode. Six weeks of such sort of imprisonment would be much more efficacious than as many months of jolly company and veal cutlets.

It appears, by The Times newspaper of the 24th of June, 1821, that two persons, a man and his wife, were committed at the Surrey Sessions for three years. If this county jail is bad, to three years of idleness and good living—if it is a manufacturing jail, to three years of regular labour, moderate living, and accumulated gains. They are committed *principally* for a warning to others, partly for their own good. Would not these ends have been much more effectually answered, if they had been committed, for nine months, to solitary cells upon bread and water; the first and last month in dark cells? If this is too severe, then lessen the duration still more, and give them more light days, and fewer dark ones; but we are convinced the whole good sought may be better obtained in much shorter periods than are now resorted to.

For the purpose of making jails disagreeable, the prisoners should remain perfectly alone all night, if it is not thought proper to render their confinement entirely solitary during the whole period of their imprisonment. Prisoners dislike this—and *therefore* it should be done; it would make their residence in jails more disagreeable, and render them unwilling to return there. At present, eight or ten women sleep in a room with a good fire, pass the night in sound sleep or pleasant conversation; and this is called confinement in a prison. A prison is a place where men, after trial and sentence, should be made unhappy by public lawful enactments, not so severe as to injure the soundness of mind or body. If this be not done, prisons are a mere invitation to the lower classes to wade, through felony and larceny, to better accommodations than they can procure at home. And here, as it appears to us, is the mistake of the many excellent men who busy themselves (and wisely and humanely busy themselves) about prisons. Their first

object seems to be the reformation of the prisoners, not the reformation of the public; whereas the first object should be, the discomfort and discontent of their prisoners; that they should become a warning, feel unhappy, and resolve never so to act again as to put themselves in the same predicament; and then as much reformation as is compatible with this, the better. If a man say to himself, 'This prison is a comfortable place,' while he says to the chaplain or the visitor that he will come there no more, we confess we have no great confidence in his public declaration; but if he say, 'This is a place of misery and sorrow, you shall not catch me here again,' there is much reason to believe he will be as good as his word; and he then becomes (which is of much more consequence than his own reformation) a warning to others. Hence it is we object to that spectacle of order and decorum—carpenters in one shop, tailors in another, weavers in a third, sitting down to a meal by ring of bell, and receiving a regular portion of their earnings. We are afraid it is better than real life on the other side of the wall, or so very little worse that nobody will have any fear to encounter it. In Bury jail, which is considered as a pattern jail, the prisoners under a sentence of confinement are allowed to spend their weekly earnings (two, three, and four shillings per week) in fish, tobacco, and vegetables; so states the jailer in his examination before the House of Commons—and we have no doubt it is well meant; but is it punishment? We were most struck, in reading the evidence of the Jail Committee before the House of Commons, with the opinions of the jailer of the Devizes jail, and with the practice of the Magistrates who superintend it.*

'Mr. T. BRUTTON, *Governor of the Gaol at Devizes.*—Does this confinement in solitude make prisoners more averse to return to prison? I think it does.—Does it make a strong impression upon them? I have no doubt of it.—Does it make

* The Winchester and Devizes jails seem to us to be conducted upon better principles than any other, though even these are by no means what jails should be.

them more obedient and orderly while in gaol? I have no doubt it does. — Do you consider it the most effectual punishment you can make use of? I do. — Do you think it has a greater effect upon the minds of prisoners than any apprehensions of personal punishment? I have no doubt of it. — Have you any dark cells for the punishment of refractory prisoners? I have. — Do you find it necessary occasionally to use them? Very seldom. — Have you, in any instance, been obliged to use the dark cell, in the case of the same prisoner, twice? Only on one occasion, I think. — What length of time is it necessary to confine a refractory prisoner to bring him to his senses? Less than one day. — Do you think it essential, for the purpose of keeping up the discipline of the prison, that you should have it in your power to have recourse to the punishment of dark cells? I do; I consider punishment in a dark cell for one day has a greater effect upon a prisoner than to keep him on bread and water for a month.'—*Evidence before the Committee of the House of Commons in* 1819, p. 359.

The evidence of the Governor of Gloucester jail is to the same effect.

'Mr. THOMAS CUNNINGHAM, *Keeper of Gloucester Gaol.* — Do you attribute the want of those certificates entirely to the neglect of enforcing the means of solitary confinement? I do most certainly. Sometimes, where a certificate has not been granted, and a prisoner has brought a certificate of good behaviour for one year, Sir George and the Committee ordered one pound or a guinea from the charity. — Does that arise from your apprehension that the prisoners have not been equally reformed, or only from the want of the means of ascertaining such reformation? It is for want of not knowing; and we cannot ascertain it, from their working in numbers. — They may be reformed? Yes: but we have not the means of ascertaining it. There is one thing I do which is not provided by the rules, and which is the only thing in which I deviate from the rules. When a man is committed for a month, I never give him any work; he sits in solitude, and walks in the yard by himself for air; he has no other food but his bread and water, except twice a week a pint of peas soup. I never knew an instance of a man coming in a second time, who had been committed for a month. I have done that for these seventeen or eighteen years. — What has been the result? They dread so much coming in again. If a man is committed for six weeks, we give him work. — Do you apprehend that solitary confinement for a month,

without employment, is the most beneficial means of working reform? I conceive it is.—Can it operate as the means of reform, any more than it operates as a system of punishment? It is only for small offences they commit for a month.—Would not the same effect be produced by corporal punishment? Corporal punishment may be absolutely necessary sometimes; but I do not think corporal punishment would reform them so much as solitary confinement.—Would not severe corporal punishment have the same effect? No, it would harden them more than any thing else.—Do you think benefit is derived from the opportunity of reflection afforded by solitary confinement? Yes.—And very low diet also? Yes.'—*Evidence before the Committee of the House of Commons in* 1819, p. 391.

We must quote also the evidence of the Governor of Horsley jail.

'Mr. WILLIAM STOKES, *Governor of the House of Correction at Horsley.*—Do you observe any difference in the conduct of prisoners who are employed, and those who have no employment? Yes, a good deal; I look upon it, from what judgment I can form, and I have been a long while in it, that to take a prisoner and discipline him according to the rules as the law allows, and if he have no work, that that man goes through more punishment in one month than a man who is employed, and receives a portion of his labour three months; but still I should like to have employment, because a great number of times I took men away, who had been in the habit of earning sixpence a week to buy a loaf, and put them in solitary confinement; and the punishment is a great deal more without work.—Which of the prisoners, those that have been employed, or those unemployed, do you think would go out of the prison the better men? I think, that let me have a prisoner, and I never treat any one with severity, any further than that they should be obedient, and to let them see that I will do my duty, I have reason to believe, that, if a prisoner is committed under my care, or any other man's care, to a house of correction, and he has to go under the discipline of the law, if he is in for the value of a month or six weeks, that man is in a great deal better state than though he stays for six months; he gets hardened by being in so long, from one month to another.—You are speaking now of solitude without labour; do you think he would go out better, if he had been employed during the month you speak of? No, nor half; because I never task those people, in order that they should not say I force them to do more than

they are able, that they should not slight it; for if they perform any thing in the bounds of reason, I never find fault with them: the prisoner who is employed, his time passes smooth and comfortable, and he has a proportion of his earnings, and he can buy additional diet; but if he has no labour, and kept under the discipline of the prison, it is a tight piece of punishment to go through.—Which of the two should you think most likely to return immediately to habits of labour on their own account? The dispositions of all men are not alike; but my opinion is this, if they are kept and disciplined according to the rules of the prison, and have no labour, that one month will do more than six; I am certain, that a man who is kept there without labour once, will not be very ready to come there again.'—*Evidence before the Committee of the House of Commons*, pp. 398, 399.

Mr. Gurney and Mr. Buxton both lay a great stress upon the quiet and content of prisoners, upon their subordination and the absence of all plans of escape; but, where the happiness of prisoners is so much consulted, we should be much more apprehensive of a conspiracy to break into, than to break out of, prison. The mob outside may, indeed, envy the wicked ones within; but the felon who has left, perhaps, a scolding wife, a battered cottage, and six starving children, has no disposition to escape from regularity, sufficient food, employment which saves him money, warmth, ventilation, cleanliness, and civil treatment. These symptoms, upon which these respectable and excellent men lay so much stress, are by no means proofs to us that prisons are placed upon the best possible footing.

The Governor of Bury jail, as well as Mr. Gurney, insist much upon the few prisoners who return to the jail a second time, the manufacturing skill which they acquire there, and the complete reformation of manners, for which the prisoner has afterwards thanked him the governor. But this is not the real criterion of the excellence of a jail, nor the principal reason why jails were instituted. The great point is, not the average recurrence of the same prisoners; but the paucity or frequency of commitments, upon the whole. You may make a jail such an admirable place of edu-

cation, that it may cease to be infamous to go there: Mr. Holford tells us (and a very curious anecdote it is), that parents actually accuse their children falsely of crimes, in order to get them into the Philanthropic Charity! and that it is consequently a rule with the Governors of that Charity never to receive a child upon the accusation of the parents alone. But it is quite obvious what the next step will be, if the parents cannot get their children in by fibbing. They will take good care that the child is *really* qualified for the Philanthropic, by impelling him to those crimes which are the passport to so good an education.

'If, on the contrary, the offender is to be punished simply by being placed in a prison, where he is to be well lodged, well clothed, and well fed, to be instructed in reading and writing, to receive a moral and religious education, and to be brought up to a trade; and if this prison is to be within the reach of the parents, so that they may occasionally visit their child, and have the satisfaction of knowing, from time to time, that all these advantages are conferred upon him, and that he is exposed to no hardships, although the confinement and the discipline of the prison may be irksome to the boy; yet the parents may be apt to congratulate themselves on having got him off their hands into so good a berth, and may be considered by other parents as having drawn a prize in the lottery of human life by their son's conviction. This reasoning is not theoretical, but is founded in some degree upon experience. Those who have been in the habit of attending the committee of the Philanthropic Society know, that parents have often accused their children of crimes falsely, or have exaggerated their real offences, for the sake of inducing that Society to take them; and so frequent has been this practice, that it is a rule with those who manage that Institution, never to receive an object upon the representation of its parents, unless supported by other strong testimony.'—*Holford*, pp. 44, 45.

It is quite obvious that, if men were to appear again, six months after they were hanged, handsomer, richer, and more plump than before execution, the gallows would cease to be an object of terror. But here are men

who come out of gaol, and say, 'Look at us — we can read and write, we can make baskets and shoes, and we went in ignorant of every thing: and we have learnt to do without strong liquors, and have no longer any objection to work; and we did work in the gaol, and have saved money, and here it is.' What is there of terror and detriment in all this? and how are crimes to be lessened if they are thus rewarded? Of schools there cannot be too many. Penitentiaries, in the hands of wise men, may be rendered excellent institutions; but a prison must be a prison — a place of sorrow and wailing; which should be entered with horror, and quitted with earnest resolution never to return to such misery; with that deep impression, in short, of the evil, which breaks out into perpetual warning and exhortation to others. This great point effected, all other reformation must do the greatest good.

There are some very sensible observations upon this point in Mr. Holford's book, who upon the whole has, we think, best treated the subject of prisons, and best understands them.

'In former times, men were deterred from pursuing the road that led to a prison, by the apprehension of encountering there disease and hunger, of being loaded with heavy irons, and of remaining without clothes to cover them, or a bed to lie on: we have done no more than what justice required in relieving the inmates of a prison from these hardships; but there is no reason that they should be freed from the fear of all other sufferings and privations. And I hope that those whose duty it is to take up the consideration of these subjects will see, that in Penitentiaries, offenders should be subjected to separate confinement, accompanied by such work as may be found consistent with that system of imprisonment; that in Gaols or Houses of Correction, they should perform that kind of labour which the law has enjoined; and that, in prisons of both descriptions, instead of being allowed to cater for themselves, they should be sustained by such food as the rules and regulations of the establishment should have provided for them; in short, that prisons should be considered as places of punishment, and not as scenes of cheerful industry, where a compromise must be made with the prisoner's appetites to make him do the common work of a

journeyman or manufacturer, and the labours of the spinning-wheel and the loom must be alleviated by indulgence.'*

This is good sound sense; and it is a pity that it is preceded by the usual nonsense about '*the tide of blasphemy and sedition.*' If Mr. Holford is an observer of tides and currents, whence comes it that he observes only those which set one way? Whence comes it that he says nothing of the tides of canting and hypocrisy, which are flowing with such rapidity? — of abject political baseness and sycophancy — of the disposition so prevalent among Englishmen, to sell their conscience and their country to the Marquis of Londonderry for a

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* 'That I am guilty of no exaggeration in thus describing a prison conducted upon the principles now coming into fashion, will be evident to any person who will turn to the latter part of the article "Penitentiary, Millbank," in Mr. Buxton's Book on Prisons. He there states what passed in conversation between himself and the Governor of Bury gaol (which gaol, by the bye, he praises as one of the three best prisons he has ever seen, and strongly recommends to our imitation at Millbank). Having observed, that the Governor of Bury gaol had mentioned his having counted 34 spinning wheels in full activity when he left that gaol at 5 o'clock in the morning on the preceding day, Mr. Buxton proceeds as follows:— "After he had seen the Millbank Penitentiary, I asked him what would be the consequence, if the regulations there used were adopted by him? 'The consequence would be,' he replied, 'that every wheel would be stopped.'" Mr. Buxton then adds, "I would not be considered as supposing that the prisoners will altogether refuse to work at Millbank — they will work during the stated hours; but the present incentive being wanting, the labour will, I apprehend, be languid and desultory." I shall not, on my part, undertake to say that they will do as much work as will be done in those prisons in which work is the primary object; but, besides the encouragement of the portion of earnings laid up for them, they know that diligence is among the qualities that will recommend them to the mercy of the Crown, and that the want of it is, by the rules and regulations of the prison, an offence to be punished. The Governor of Bury gaol, who is a very intelligent man, must have spoken hastily, in his eagerness to support his own system, and did not, I conceive, give himself credit for as much power and authority in his prison as he really possesses. It is not to be wondered at, that the keepers of prisons should like the new system: there is less trouble in the care of a manufactory than in that of a gaol; but I am surprised to find that so much reliance is placed in argument on the declaration of some of these officers, that the prisoners are quieter where their work is encouraged, by allowing them to spend a portion of their earnings. It may naturally be expected, that offenders will be least discontented, and consequently least turbulent, where their punishment is lightest, or where, to use Mr. Buxton's own words, "by making labour productive of comfort or convenience, you do much towards rendering it agreeable;" but I must be permitted to doubt, whether these are the prisons of which men will live in most dread.'—*Holford*, pp. 78 — 80.

living for the second son — or a silk gown for the nephew — or for a frigate for my brother the captain? How comes our loyal carcerist to forget all these sorts of tides?

There is a great confusion, as the law now stands, in the government of gaols. The justices are empowered, by several statutes, to make subordinate regulations for the government of the gaols; and the sheriff supersedes those regulations. Their respective jurisdictions and powers should be clearly arranged.

The female prisoners should be under the care of a matron, with proper assistants. Where this is not the case, the female part of the prison is often a mere brothel for the turnkeys. Can any thing be so repugnant to all ideas of reformation, as a male turnkey visiting a solitary female prisoner? Surely, women can take care of women as effectually as men can take care of men; or, at least, women can do so properly, assisted by men. This want of a matron is a very scandalous and immoral neglect in any prison system.

The presence of female visitors, and instructors for the women, is so obviously advantageous and proper, that the offer of forming such an institution must be gladly and thankfully received by any body of magistrates. That they should feel any jealousy of such interference is too absurd a supposition to be made or agreed upon. Such interference may not effect all that zealous people suppose it will effect; but, if it does any good, it had better be.

Irons should never be put upon prisoners before trial; after trial we cannot object to the humiliation and disgrace which irons and a parti-coloured prison dress occasion. Let them be a part of solitary confinement, and let the words 'Solitary Confinement,' in the sentence, imply permission to use them. The Judge then knows what he inflicts.

We object to the office of Prison Inspector, for reasons so very obvious, that it is scarcely necessary to enumerate them. The prison inspector would, of course, have a good salary; that, in England, is never omitted. It is equally matter of course that he would be taken from

among Treasury retainers; and that he never would look at a prison. Every sort of attention should be paid to the religious instruction of these unhappy people, but the poor chaplain should be paid a little better; — every possible duty is expected from him — and he has one hundred per annum.

Whatever money is given to prisoners, should be lodged with the governor for their benefit, to be applied as the visiting magistrates point out — no other donations should be allowed or accepted.

If voluntary work before trial, or compulsory work after trial, be the system of a prison, there should be a taskmaster; and it should be remembered, that the principal object is not profit.

Wardsmen, selected in each yard among the best of the prisoners, are very serviceable. If prisoners work, they should work in silence. At all times, the restrictions upon seeing friends should be very severe; and no food should be sent from friends.

Our general system then is — that a prison should be a place of real punishment; but of known, enacted, measurable, and measured punishment. A prisoner (not for assault, or refusing to pay parish dues, but a bad felonious prisoner) should pass a part of his three months in complete darkness; the rest in complete solitude, perhaps in complete idleness (for solitary idleness leads to repentance, idleness in company to vice). He should be exempted from cold, be kept perfectly clean, have sufficient food to prevent hunger or illness, wear the prison dress and moderate irons, have no communication with any body but the officers of the prison and the magistrates, and remain otherwise in the most perfect solitude. We strongly suspect this is the way in which a bad man is to be made afraid of prisons; nor do we think that he would be less inclined to receive moral and religious instruction, than any one of seven or eight carpenters in gaol, working at a common bench, receiving a part of their earnings, and allowed to purchase with them the delicacies of the season. If this system be not resorted to, the next best system is severe work, ordinary diet,

no indulgencies, and as much seclusion and solitude as are compatible with work;—always remarking, that perfect sanity of mind and body are to be preserved.

To this system of severity in gaols there is but one objection. The present duration of punishments was calculated for prisons conducted upon very different principles;—and if the discipline of prisons were rendered more strict, we are not sure that the duration of imprisonment would be practically shortened; and the punishments would then be quite atrocious and disproportioned. There is a very great disposition, both in judges and magistrates, to increase the duration of imprisonment; and, if that be done, it will be dreadful cruelty to increase the bitterness as well as the time. We should think, for instance, six months' solitary imprisonment to be a punishment of dreadful severity; but we find, from the House of Commons' Report, that prisoners are sometimes committed by county magistrates for two years* of solitary confinement. And so it may be doubted, whether it is not better to wrap up the rod in flannel, and make it a plaything, as it really now is, than to show how it may be wielded with effectual severity. For the pupil, instead of giving one or two stripes, will whip his patient to death. But if this abuse were guarded against, the real way to improve would be, now we have made prisons healthy and airy, to make them odious and austere—engines of punishment, and objects of terror.

In this age of charity and of prison improvement, there is one aid to prisoners which appears to be wholly overlooked; and that is, the means of regulating their defence, and providing them witnesses for their trial. A man is tried for murder, or for housebreaking, or robbery, without a single shilling in his pocket. The nonsensical and capricious institutions of the English law prevent him from engaging counsel to speak in his defence, if he had the wealth of Crœsus; but he has no money to employ even an attorney, or to procure a single witness, or

* House of Commons' Report, 355.

to take out a subpœna. The Judge, we are told, is his counsel, — this is sufficiently absurd ; but it is not pretended that the Judge is his witness. He solemnly declares that he has three or four witnesses who could give a completely different colour to the transaction ; but they are sixty or seventy milës distant, working for their daily bread, and have no money for such a journey, nor for the expense of a residence of some days in an Assize Town. They do not know even the time of the Assize, nor the modes of tendering their evidence if they could come. When every thing is so well marshalled against him on the opposite side, it would be singular if an innocent man, with such an absence of all means of defending himself, should not occasionally be hanged or transported: and accordingly we believe that such things have happened.* Let any man, immediately previous to the Assizes, visit the prisoners for trial, and see the many wretches who are to answer to the most serious accusations, without one penny to defend themselves. If it appeared probable, upon inquiry, that these poor creatures had important evidence which they could not bring into Court for want of money, would it not be a wise application of compassionate funds to give them this fair chance of establishing their innocence? It seems to us no bad *finale* of the pious labours of those who guard the poor from ill-treatment during their imprisonment, to take care that they are not unjustly hanged at the expiration of the term.

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* From the Clonmel Advertiser it appears, that John Brien, *alias* Captain Wheeler, was found guilty of murder at the late assizes for the county of Waterford. Previous to his execution he made the following confession: — 'I now again most solemnly aver, in the presence of that God by whom I will soon be judged, and who sees the secrets of my heart, that only three, viz. Morgan Brien, Patrick Brien, and my unfortunate self, committed the horrible crimes of murder and burning at Ballygarron, and that the four unfortunate men who have before suffered for them were not in the smallest degree accessary to them. I have been the cause for which they have innocently suffered death. I have contracted a debt of justice with them — and the only and least restitution I can make them, is thus publicly, solemnly, and with death before my eyes, to acquit their memory of any guilt in the crimes for which I shall deservedly suffer ! ! !' — *Philanthropist*, No. 6. 208. *Pereunt et imputantur.*

MAN TRAPS AND SPRING GUNS. (E. Review, 1821.)

Reports of Cases argued and determined in the Court of King's Bench, in Hilary Term, 60th. Geo. III. 1820. By Richard V. Barnewall, of Lincoln's Inn, Esq., Barrister-at-Law, and Edward H. Alderson, of the Inner Temple, Esq., Barrister-at-Law. Vol. III. Part II. London, 1820.

Most of our readers will remember, that we very lately published an article upon the use of Steel Traps and Spring Guns; and, in the course of discussion, had occasion to animadvert upon the Report of Mr. Justice Best's judgment, in the case of Ilott and Wilkes, as reported in *Chetwynd's Edition of Burn's Justice*, published in the spring of the present year. In the Morning Chronicle, of the 4th of June, 1821, Mr. Justice Best is reported to have made the following observations in the King's Bench:—

'Mr. Justice Best said, Mr. Chetwynd's book having been mentioned by my Learned Brother Bayley, I must take this opportunity, not without some pain, of adverting to what I am reported in his work to have said in the case of Ilott *v.* Wilkes, and of correcting a most gross misrepresentation. I am reported to have concurred with the other Judges, and to have delivered my judgment at considerable length, and then to have said, "This case has been discussed at the Bar, as if these engines were exclusively resorted to for the protection of game; but I consider them as lawfully applicable to the protection of every species of property against unlawful trespassers." This is not what I stated; but the part which I wish more particularly to deny, as ever having said, or even conceived, is this—"But if even they might not lawfully be used for the protection of game, I, for one, should be extremely glad to adopt such means, if they were found sufficient for that purpose." I confess I am surprised that this learned person should suppose, from the note of any one, that any person who ever sat in a Court of Justice as a

Judge could talk such wicked nonsense as I am made to talk; and I am surprised that he should venture to give the authority he does for what he has published; for I find, that the reference he gives in the Appendix to his book is 3 Barn. and Ald. 304., where there is a correct report of that case, and where it will be found that every word uttered by me is directly contrary to what I am supposed, by Mr. Chetwynd's statement of the case, to have said. I don't trouble the Court with reading the whole of what I did say on that occasion, but I will just say that I said —"My Brother Bayley has illustrated this case by the question which he asked, namely, Can you indict a man for putting spring guns in his enclosed field? I think the question put by Lord Chief Justice Gibbs, in the case of Dean *v.* Clayton, in the Common Pleas, a still better illustration, viz. Can you justify entering into enclosed lands to take away guns so set? If both these questions must be answered in the negative, it cannot be unlawful to set spring guns in an enclosed field at a distance from any road, giving such notice that they are set, as to render it in the highest degree probable that all persons in the neighbourhood must know that they are so set. Humanity requires that the fullest notice possible should be given; aud the law of England will not sanction what is inconsistent with humanity." A popular work has quoted this Report from Mr. Chetwynd's Work, but has omitted this important line (which omission reminds one of the progress of a thing, the name of which one does not choose to mention), "that I had concurred in what had fallen from the other Judges;" and omitting that line, they state, that one had said, "It is my opinion that with notice, or without notice, this might be done." Now, concurring with the other Judges, it is impossible I should say that. It is right that this should be corrected; not that I entertain any angry feeling, for too much time has elapsed since then for any anger to remain on my mind; but all I claim, with respect to the observations made in that work, severe as they are, (and I, for one, feel that I should deserve no mercy if I should ever entertain such doctrines,) is, that I may not be misrepresented. It is not necessary for me, in this place, to say, that no man entertains more horror of the doctrine I am supposed to have laid down than I do; that the life of man is to be treated lightly and indifferently, in comparison with the preservation of game, and the amusement of sporting; that the laws of humanity are to be violated for the sake merely of preserving the amusement of game. I am sure no man can justly impute to me such wicked doctrines. It is unnecessary for me to say, that I entertain no such sentiments; and therefore I hope I shall be excused, not on account of my

own feelings, but as far as the public are interested in the character of a Judge, in saying, that no person should blame a Judge for what has been unjustly put into his mouth.'

His Lordship's speech is reported in the New Times of the same date, as follows: —

'Mr. Justice Best said, "My Brother Bayley has quoted Mr. Chetwynd's edition of Burn: I am surprised that the learned author of that work should have made me talk such mischievous nonsense, as he has given to the public, in a report of my judgment in the case of Ilott and Wilkes. I am still more surprised, that he should have suffered this judgment to remain uncorrected, after he had seen a true report of the case in Barnewall and Alderson, to which report he has referred in his Appendix." Mr. Chetwynd's report has the following passage:—"Mr. Justice Best concurred with the other Judges." His Lordship concluded as follows:—"This case has been discussed at the Bar, as if these inquiries were exclusively resorted to for the protection of game; but I considered them as lawfully applicable to the protection of every species of property against unlawful trespassers. *But if even they might not lawfully be used for the protection of game, I for one should be extremely glad to adopt such measures, if they were found sufficient for that purpose.*"

'A popular periodical work contains the passage just cited, with the omission of the words "concurred with the other Judges." Of this omission I have reason to complain, because, if it had been inserted, the writer of the article could not have said, "It follows, that a man may put his fellow-creatures to death for any infringement of his property, for picking the sloes and blackberries off his hedges; for breaking a few dead sticks out of them by night or by day, *with resistance or without resistance, with warning or without warning.*" The Judges with whom Mr. Chetwynd makes me concur in opinion, all gave their judgment on the ground of due notice being given. I do not complain of the other observations contained in this work; they would have been deserved by me had I ever uttered such an opinion as the report of Mr. Chetwynd has stated me to have delivered. The whole of what I said will be found to be utterly inconsistent with the statement, by those who will read the case in "Barnewall and Alderson." I will only trouble the Court with the passage which will be found in the report of my judgment in "3 Barnewall and Alderson, 319.:"—"It cannot be unlawful to set spring guns in an enclosed field, at a distance from any road, giving such notice that they are set, as to render

it in the highest degree probable that all persons in the neighbourhood must know that they are so set. Humanity required that the fullest notice possible should be given; and the law of England will not sanction what is inconsistent with humanity." I have taken the first opportunity of saying this, because I think it of importance to the public that such a misrepresentation of the opinion of one of the Judges should not be circulated without some notice.'

We subjoin the report of Messrs. Barnewall and Alderson, here alluded to, and allowed by Mr. Justice Best to be correct.

'*Best*, J. The act of the plaintiff could only occasion mere nominal damage to the wood of the defendant. The injury that the plaintiff's trespass has brought upon himself is extremely severe. In such a case, one cannot, without pain, decide against the action. But we must not allow our feelings to induce us to lose sight of the principles which are essential to the rights of property. The prevention of intrusion upon property is one of these rights; and every proprietor is allowed to use the force that is *absolutely* necessary to vindicate it. If he uses more force than is *absolutely* necessary, he renders himself responsible for all the consequences of the excess. Thus, if a man comes on my land, I cannot lay hands on him to remove him, until I have desired him to go off. If he will not depart on request, I cannot proceed immediately to beat him but must endeavour to push him off. If he is too powerful for me, I cannot use a dangerous weapon, but must first call in aid other assistance. I am speaking of out-door property, and of cases in which no felony is to be apprehended. It is evident, also, that this doctrine is only applicable to trespasses committed in the presence of the owner of the property trespassed on. When the owner and the servants are absent at the time of the trespass, it can only be repelled by the terror of spring guns, or other instruments of the same kind. There is, in such cases no possibility of proportioning the resisting force to the obstinacy and violence of the trespasser, as the owner of the close may and is required to do where he is present. There is no distinction between the mode of defence of one species of out-door property and another (except in cases where the taking or breaking into the property amounts to felony). If the owner of woods cannot set spring guns in his woods, the owner of an orchard, or of a field with potatoes or turnips, or any other crop usually the object of plunder, cannot set them in such

field. How, then, are these kinds of property to be protected, at a distance from the residence of the owner, in the night, and in the absence of his servants? It has been said, that the law has provided remedies for any injuries to such things by action. But the offender must be detected before he can be subjected to an action; and the expense of continual watching for this purpose would often exceed the value of the property to be protected. If we look at the subject in this point of view, we may find, amongst poor tenants, who are prevented from paying their rents by the plunder of their crops, men who are more objects of our compassion than the wanton trespasser, who brings on himself the injury which he suffers. If an owner of a close cannot set spring guns, he cannot put glass bottles or spikes on the top of a wall, or even have a savage dog, to prevent persons from entering his yard. It has been said, in argument, that you may see the glass bottles or spikes; and it is admitted, that if the exact spot where these guns are set was pointed out to the trespasser, he could not maintain any action for the injury he received from one of them. As to seeing the glass bottles or spikes, that must depend on the circumstance whether it be light or dark at the time of the trespass. But what difference does it make, whether the trespasser be told the gun is set in such a spot, or that there are guns in different parts of such a field, if he has no right to go on any part of that field? It is absurd to say you may set the guns, provided you tell the trespasser exactly where they are set, because then the setting them could answer no purpose. My brother *Bayley* has illustrated this case, by the question which he asked, namely, Can you indict a man for putting spring guns in his enclosed field? I think the question put by Lord C. J. *Gibbs*, in the case in the Common Pleas, a still better illustration, viz. Can you justify entering into enclosed lands, to take away guns so set? If both these questions must be answered in the negative, it cannot be unlawful to set spring guns in an enclosed field, at a distance from any road, giving such notice that they are set, as to render it in the highest degree probable that all persons in the neighbourhood must know that they are so set. Humanity requires that the fullest notice possible should be given; and the law of *England* will not sanction what is inconsistent with humanity. It has been said in argument, that it is a principle of law, that you cannot do indirectly what you are not permitted to do directly. This principle is not applicable to the case. You cannot shoot a man that comes on your land, because you may turn him off by means less hurtful to him; and, therefore, if you saw him walking in your field, and were to invite him to

proceed on his walk, knowing that he must tread on a wire, and so shoot himself with a spring gun, you would be liable to all the consequences that would follow. The invitation to him to pursue his walk is doing indirectly, what, by drawing the trigger of a gun with your own hand, is done directly. But the case is just the reverse, if, instead of inviting him to walk on your land, you tell him to keep off, and warn him of what will follow if he does not. It is also said, that it is a maxim of law that you must so use your own property as not to injure another's. This maxim I admit; but I deny its application to the case of a man who comes to trespass on my property. It applies only to cases where a man has only a transient property, such as in the air or water that passes over his land, and which he must not corrupt by nuisance; or where a man has a qualified property, as in land near another's ancient windows, or in land over which another has a right of way. In the first case, he must do nothing on his land to stop the light of the windows, or, in the second, to obstruct the way. This case has been argued, as if it appeared in it that the guns were set to preserve game; but that is not so; they were set to prevent trespasses on the lands of the defendant. Without, however, saying in whom the property of game is vested, I say, that a man has a right to keep persons off his lands, in order to preserve the game. Much money is expended in the protection of game; and it would be hard, if, in one night, when the keepers are absent, a gang of poachers might destroy what has been kept at so much cost. If you do not allow men of landed estates to preserve their game, you will not prevail on them to reside in the country. Their poor neighbours will thus lose their protection and kind offices; and the Government the support that it derives from an independent, enlightened, and unpaid magistracy.'

As Mr. Justice Best denies that he did say what a very respectable and grave law publication reported him to have said, and as Mr. Chetwynd and his reporter have made no attempt to vindicate their Report, of course our observations cease to be applicable. There is certainly nothing in the Term Report of Mr. Justice Best's speech which calls for any degree of moral criticism;—nothing but what a respectable and temperate Judge might fairly have uttered. Had such been the Report cited in Burn, it never would have drawn from us one syllable of reprehension.

We beg leave, however, to observe, that we have never said that it was Mr. Justice Best's opinion, as reported in Chetwynd, that a man might be put to death *without Notice*, but without *Warning;* by which we meant a very different thing. If notice was given on boards that certain grounds were guarded by watchmen with fire-arms, the watchmen, feeling perhaps some little respect for human life, would probably call out to the man to stand and deliver himself up: — 'Stop, or I'll shoot you!' 'Stand, or you are a dead man!' — or some such compunctious phrases as the law compels living machines to use. But the trap can give no such warning — can present to the intruder no alternative of death or surrender. Now, these different modes of action in the dead or the living guard, is what we alluded to in the words *without warning*. We meant to characterise the ferocious, unrelenting nature of the means used — and the words are perfectly correct and applicable, after all the printed *notices* in the world. Notice is the communication of something about to happen, after some little interval of time. Warning is the communication of some imminent danger. Nobody gives another notice that he will immediately shoot him through the head — or warns him that he will be a dead man in less than thirty years. This, and not the disingenuous purpose ascribed to us by Mr. Justice Best, is the explanation of the offending words. We are thoroughly aware that Mr. Justice Best was an advocate for notice, and never had the most distant intention of representing his opinion otherwise: and we really must say that (if the Report had been correct) there never was a judicial speech where there was so little necessity for having recourse to the arts of misrepresentation. We are convinced, however, that the report is not correct — and we are heartily glad it is not. There is in the Morning Chronicle an improper and offensive phrase, which (now we know Mr. Justice Best's style better) we shall attribute to the reporters, and pass over without further notice. It would seem from the complaint of the learned Judge, that we had omitted

something in the middle of the quotation from Chetwynd; whereas we have quoted every word of the speech as Chetwynd has given it, and only began our quotation after the preliminary observations, because we had not the most distant idea of denying that Mr. Justice Best considered ample notice as necessary to the legality of these proceedings.

There are passages in the Morning Chronicle already quoted, and in the Term Report, which we must take the liberty of putting in juxtaposition to each other.

Mr. Justice Best in the Morning Chronicle of the 4th of June, 1821.

It is not necessary for me in this place to say, that no man entertains more horror of the doctrine I am supposed to have laid down, than I do, that the life of man is to be treated lightly and indifferently, in comparison with the preservation of game and the amusement of sporting — that the laws of humanity are to be violated for the sake merely of preserving the amusement of game. I am sure no man can justly impute to me such wicked doctrines; it is unnecessary for me to say I entertain no such sentiments.

In Barnewall and Alderson there is a

Mr. Justice Best in the Term Reports, Barnewall and Alderson.

When the owner and his servants are absent at the time of the trespass, it can only be repelled by the terror of spring guns, or other instruments of the same kind. There is, in such cases, no possibility of proportioning the resisting force to the obstinacy and violence of the trespasser, as the owner of the close may, and is required to do, when he is present.—317.

Without saying in whom the property of game is vested, I say that a man has a right to keep persons off his lands, in order to preserve the game. Much money is expended on the protection of game; and it would be hard if, in one night, when the *keepers are absent*, a gang of poachers might destroy what has been kept at so much cost.—320.

If an owner of a close cannot set spring guns, he cannot put glass bottles or spikes on the top of a wall.—318.

If both these questions must be answered in the negative, it cannot be unlawful to set spring guns in an enclosed field, at a distance from any road; giving such notice that they are

correct report of that case.—*Morn. Cron.*

set, as to render it in the highest degree probable that all persons in the neighbourhood must know they are so set. Humanity requires that the fullest notice possible should be given; and the law of England will not sanction what is inconsistent with humanity.—*Barnewall and Alderson*, 319.

There is, perhaps, some little inconsistency in these opposite extracts; but we have not the smallest wish to insist upon it. We are thoroughly and honestly convinced, that Mr. Justice Best's horror at the destruction of human life for the mere preservation of game is quite sincere. It is impossible, indeed, that any human being, of common good nature, could entertain a different feeling upon the subject, when it is earnestly pressed upon him; and though, perhaps, there may be Judges upon the Bench more remarkable for imperturbable apathy, we never heard Mr. Justice Best accused of ill nature. In condescending to notice our observations, in destroying the credit of Chetwynd's Report, and in withdrawing the canopy of his name from the bad passions of country gentlemen, he has conferred a real favour upon the public.

Mr. Justice Best, however, must excuse us for saying, that we are not in the slightest degree convinced by his reasoning. We shall suppose a fifth Judge to have delivered his opinion in the case of *Ilott against Wilkes*, and to have expressed himself in the following manner. But we must caution Mr. Chetwynd against introducing this fifth Judge in his next edition of Burn's Justice; and we assure him that he is only an imaginary personage.

'My Brother Best justly observes, that prevention of intrusion upon private property is a right which every proprietor may act upon, and use force to vindicate—the force absolutely necessary for such vindication. If any man intrude upon another's lands, the proprietor must first desire him to go off, then lay hands upon the

intruder, then push him off; and if that will not do, call in aid other assistance, before he uses a dangerous weapon. If the proprietor uses more force than is absolutely necessary, he renders himself responsible for all the consequences of the excess. In this doctrine I cordially concur; and admire (I am sure, with him) the sacred regard which our law every where exhibits for the life and safety of man—its tardiness and reluctance to proceed to extreme violence: but my learned brother then observes as follows:—"It is evident, also, that this doctrine is only applicable to trespasses committed in the presence of the owner of the property trespassed upon. When the owner and his servants are absent at the time of the trespass, it can only be repelled by the terror of spring guns, or other instruments of the same kind." If Mr. Justice Best means, by the *terror of spring guns*, the mere alarm that the notice excites—or the powder without the bullets—noise without danger—it is not worth while to raise an argument upon the point; for, absent or present, notice or no notice, such means must always be lawful. But if my Brother Best means that in the absence of the proprietor, the intruder may be killed by such instruments, after notice, this is a doctrine to which I never can assent; because it rests the life and security of the trespasser upon the accident of the proprietor's presence. In that presence there must be a most cautious and nicely graduated scale of admonition and harmless compulsion; the feelings and safety of the intruder are to be studiously consulted; but if business or pleasure call the proprietor away, the intruder may be instantly shot dead by machinery. Such a state of law, I must be permitted to say, is too incongruous for this or any other country.

'If the alternative is the presence of the owner and his servants or such dreadful consequences as these, why are the owner or his servants allowed to be absent? If the ultimate object in preventing such intrusions is pleasure in sporting, it is better that pleasure should be rendered more expensive, than that the life of man should be rendered so precarious. But why is it impossible to

proportion the resisting force to the obstinacy of the trespasser in the absence of the proprietor? Why may not an intruder be let gently down into five feet of liquid mud?—why not caught in a box which shall detain him till the next morning?—why not held in a toothless trap till the proprietor arrives?—such traps as are sold in all the iron shops in this city? We are bound, according to my Brother Best, to inquire if these means have been previously resorted to; for upon his own principle, greater violence must not be used, where less will suffice for the removal of the intruder.

'There are crops, I admit, of essential importance to agriculture, which will not bear the expense of eternal vigilance; and if there be districts where such crops are exposed to such serious and disheartening depredation, that may be a good reason for additional severity; but then it must be the severity of the legislator, and not of the proprietor. If the Legislature enact fine and imprisonment as the punishment for stealing turnips, it is not to be endured that the proprietor should award to this crime the punishment of death. If the fault be not sufficiently prevented by the punishments already in existence, he must wait till the frequency and flagrancy of the offence attracts the notice, and stimulates the penalties of those who make laws. He must not make laws (and those very bloody laws) for himself.

'I do not say that the setter of the trap or gun allures the trespasser into it; but I say that the punishment he intends for the man who trespasses after notice is death. He covers his spring gun with furze and heath, and gives it the most natural appearance he can; and in that gun he places the slugs by which he means *to kill* the trespasser. This killing of an unchallenged, unresisting person, I really cannot help considering to be as much murder as if the proprietor had shot the trespasser with his gun. Giving it all the attention in my power, I am utterly at a loss to distinguish between the two cases. Does it signify whose hand or whose foot pulls the string which moves the trigger?—the real murderer is he who prepares the instrument of death, and

places it in a position that such hand or foot may touch it, for the purposes of destruction. My Brother Holroyd says, the trespasser who has had a notice of guns being set in the wood is the real voluntary agent who pulls the trigger. But I most certainly think that he is not. He is the animal agent, but not the rational agent—he does not intend to put himself to death; but he foolishly trusts in his chance of escaping, and is any thing but a voluntary agent in firing the gun. If a trespasser were to rush into a wood, meaning to seek his own destruction—to hunt for the wire, and when found, to pull it, he would indeed be the agent, in the most philosophical sense of the word. But, after entering the wood, he does all he can to avoid the gun—keeps clear of every suspicious place, and is baffled only by the superior cunning of him who planted the gun. How the firing of the gun then can be called his act—his voluntary act—I am at a loss to conceive. The practice has unfortunately become so common, that the first person convicted of such a murder, and acting under the delusion of right, might be a fit object for royal mercy. Still, in my opinion, such an act must legally be considered as murder.

'It has been asked, if it be an indictable offence to set such guns in a man's own ground: but let me first put a much greater question—Is it murder to kill any man with such instruments? If it be, it must be indictable to set them. To place an instrument for the purpose of committing murder, and to surrender (as in such cases you must surrender) all control over its operation, is clearly an indictable offence.

'All my brother Judges have delivered their opinions as if these guns were often set for the purposes of terror, and not of destruction. To this I can only say, that the moment any man puts a bullet into his spring gun, he has some other purpose than that of terror; and if he does not put a bullet there, he never can be the subject of argument in this Court.

'My Lord Chief Justice can see no distinction between the case of tenter-hooks upon a wall, and the

placing of spring guns, as far as the lawfulness of both is concerned. But the distinctions I take between the case of tenter-hooks upon a wall, and the setting of spring guns, are founded,—1st, in the magnitude of the evil inflicted; 2dly, in the great difference of the notice which the trespasser receives; 3dly, in the very different evidence of criminal intention in the trespasser; 4thly, in the greater value of the property invaded; 5thly, in the greater antiquity of the abuse. To cut the fingers, or to tear the hand, is of course a more pardonable injury than to kill. The trespasser, in the daytime, sees the spikes; and by day or night, at all events, he sees or feels the wall. It is impossible he should not understand the nature of such a prohibition; or imagine that his path lies over this wall; whereas the victim of the spring gun may have gone astray, may not be able to read, or may first cross the armed soil in the nighttime, when he cannot read;—and so he is absolutely without any notice at all. In the next place, the slaughtered man may be perfectly innocent in his purpose, which the scaler of the walls cannot be. No man can get to the top of a garden wall without a criminal purpose. A garden, by the common consent and feelling of mankind, contains more precious materials than a wood, or a field, and may seem to justify a greater jealousy and care. Lastly, and for these reasons, perhaps, the practice of putting spikes and glass bottles has prevailed for this century past; and the right so to do has become, from time, and the absence of cases, (for the plaintiff, in such a case, must acknowledge himself a thief,) inveterate. But it is quite impossible, because in some trifling instances, and in much more pardonable circumstances, private vengeance has usurped upon the province of law, that I can, from such slight abuses, confer upon private vengeance the power of life and death. On the contrary, I think it my imperious duty to contend, that punishment for such offences as these is to be measured by the law, and not by the exaggerated notions which any individual may form of the importance of his own pleasures. It is my duty,

instead of making one abuse a reason for another, to recall the law back to its perfect state, and to restrain as much as possible the invention and use of private punishments. Indeed, if this wild sort of justice is to be tolerated, I see no sort of use in the careful adaptation of punishments to crimes, in the humane labours of the lawgiver. Every lord of a manor is his own Lycurgus, or rather his own Draco, and the great purpose of civil life is defeated. *Inter nova tormentorum genera machinasque exitiales, silent leges.*

'Whatever be the law, the question of humanity is a separate question. I shall not state all I think of that person, who, for the preservation of game, would doom the innocent—or the guilty intruder, to a sudden death. I will not, however (because I am silent respecting individuals), join in any undeserved panegyric of the humanity of the English law. I cannot say, at the same moment, that the law of England allows such machines to be set after public notice; and that the law of England sanctions nothing but what is humane. If the law sanction such practices, it sanctions, in my opinion, what is to the last degree odious, unchristian, and inhumane.

The case of the dog or bull I admit to be an analogous case to this: and I say, if a man were to keep a dog of great ferocity and power, for the express purpose of guarding against trespass in woods or fields, and that dog was *to kill* a trespasser, it would be murder in the person placing him there for such a purpose. It is indifferent to me whether the trespasser be slain by animals or machines, intentionally brought there for that purpose: he ought not to be *slain* at all. It is murder to use such a punishment for such an offence. If a man put a ferocious dog in his *yard*, to guard his *house* from burglary, and that dog strays into the neighbouring field, and there worries the man, there wants, in this case, the murderous and malicious spirit. The dog was placed in the yard for the legal purpose of guarding the house against burglary; for which crime, if caught in the act of perpetrating it, a man may legally be put to

death. There was no primary intention here of putting *a mere trespasser* to death. So, if a man keep a ferocious bull, not for agricultural purposes, but for the *express purpose* of repelling trespassers, and that bull occasion the death of a trespasser, it is murder: the *intentional infliction of death by any means for such sort of offences constitutes the murder:* a right to kill for such reasons cannot be acquired by the foolhardiness of the trespasser, nor by any sort of notice or publicity. If a man were to blow a trumpet all over the country, and say that he would shoot any man who asked him how he did, would he acquire a right to do so by such notice? Does mere publication of an unlawful intention make the action lawful which follows? If notice be the principle which consecrates this mode of destroying human beings, I wish my brothers had been a little more clear, or a little more unanimous, as to what is meant by this notice. Must the notice be always actual, or is it sufficient that it is probable? May these guns act only against those who *have* read the notice, or against all who *might* have read the notice? The truth is, that the practice is so enormous, and the opinions of the most learned men so various, that a declaratory law upon the subject is imperiously required.* Common humanity required it, after the extraordinary difference of opinion which occurred in the case of Dean and Clayton.

'For these reasons, I am compelled to differ from my learned brothers. We have all, I am sure, the common object of doing justice in such cases as these; we can have no possible motive for doing otherwise. Where such a superiority of talents and numbers is against me, I must of course be wrong; but I think it better to publish my own errors, than to subscribe to opinions of the justice of which I am not convinced. To destroy a trespasser with such machines, I think would be mur-

* This has been done.

der; to set such uncontrollable machines for the purpose of committing this murder, I think would be indictable; and I am therefore of opinion, that he who suffers from such machines has a fair ground of action, in spite of any notice; for it is not in the power of notice to make them lawful.'

SCARLETT'S POOR BILL. (E. Review, 1821.)

1. *Letter to James Scarlett, Esq., M. P., on his Bill relating to Poor-Laws.* By a Surrey Magistrate. London, 1821.

2. *An Address to the Imperial Parliament, upon the Practical Means of gradually abolishing the Poor-Laws, and Educating the Poor Systematically. Illustrated by an Account of the Colonies of Fredericks-Oord in Holland, and of the Common Mountain in the South of Ireland. With General Observations. Third Edition.* By William Herbert Saunders, Esq. London, 1821.

3. *On Pauperism and the Poor-Laws. With a Supplement.* London, 1821.

We are friendly to the main principle of Mr. Scarlett's bill; but are rather surprised at the unworkmanlike manner in which he has set about it.

To fix a maximum for the Poor-rates, we should conceive to be an operation of sufficient difficulty and novelty for any one bill. There was no need to provoke more prejudice, to rouse more hostility, and create more alarm, than such a bill would naturally do. But Mr. Scarlett is a very strong man; and before he works his battering ram, he chooses to have the wall made of a thickness worthy of his blow — capable of evincing, by the enormity of its ruins, the superfluity of his vigour, and the certainty of his aim. Accordingly he has introduced into his bill a number of provisions, which have no necessary, and indeed no near connection with his great and main object; but which are sure to draw upon his back all the Sir John's and Sir Thomas's in the House of Commons. It may be right, or it may be wrong, that the chargeable poor should be removed; but why introduce such a controverted point into a bill framed for a much more important object, and of itself calculated to produce so much difference of opinion? Mr. Scarlett

appears to us to have been not only indiscreet in the introduction of such heterogeneous matter, but very much mistaken in the enactments which that matter contains.

'And be it further enacted, that from and after the passing of this Act, it shall not be lawful for any Justice of Peace or other person to remove, or cause to be removed, any poor person or persons from any parish, township or place, to any other, by reason of such person or persons being chargeable to such parish township or place, or being unable to maintain him or themselves, or under colour of such person or persons being settled in any other parish, township or place, any law or statute to the contrary notwithstanding: Provided always, that nothing in this Act shall in anywise be deemed to alter any law now in force for the punishment of vagrants, or for removing poor persons to Scotland, Ireland, or the Isles of Guernsey, Jersey, and Man. And be it further enacted, that in all cases where any poor person, at the time of the passing this act, shall be resident in any parish, township or place, where he is not legally settled and shall be receiving relief from the Overseers, Guardians, or Directors of the Poor of the place of his legal settlement, the said Overseers, Guardians, or Directors are hereby required to continue such relief, in the same manner, and by the same means, as the same is now administered, until one of His Majesty's Justices of the Peace, in or near the place of residence of such poor person, shall, upon application to him, either by such poor person, or any other person, on his behalf, for the continuance thereof, or by the said Overseers, Guardians, or Directors of the Poor, paying such relief, for the discharge thereof, certify that the same is no longer necessary.'—*Bill*, pp. 3, 4.

Now, here is a gentleman, so thoroughly and so justly sensible of the evils of the Poor-Laws, that he introduces into the House of Commons a very plain, and very bold measure to restrain them; and yet, in the very same bill, he abrogates the few impediments that remain to universal mendicity. The present law says, 'Before you can turn beggar in the place of your residence, you must have been born there, or you must have rented a farm there, or served an office;' but Mr. Scarlett says, 'You may beg anywhere where you happen to be. I will have no obstacles to your turning beggar; I will give every facility and every allurement to the destruction of

your independence.' We are quite confident that the direct tendency of Mr. Scarlett's enactments is to produce these effects. Labourers living in one place, and settled in another are uniformly the best and most independent characters in the place. Alarmed at the idea of being removed from the situation of their choice, and knowing they have nothing to depend upon but themselves, they are alone exempted from the degrading influence of the Poor-Laws, and frequently arrive at independence by their exclusion from that baneful privilege which is offered to them by the inconsistent benevolence of this bill. If some are removed, after long residence in parishes where they are not settled, these examples only insure the beneficial effects of which we have been speaking. Others see them, dread the same fate, quit the mug, and grasp the flail. Our policy, as we have explained in a previous article, is directly the reverse of that of Mr. Scarlett. Considering that a poor man, since Mr. East's bill, if he ask no charity, has a right to live where he pleases, and that a settlement is now nothing more than a beggar's ticket, we would gradually abolish all means of gaining a settlement, but those of birth, parentage, or marriage; and this method would destroy litigation as effectually as the method proposed by Mr. Scarlett.*

Mr. Scarlett's plan too, we are firmly persuaded, would completely defeat his own intentions; and would inflict a greater injury upon the poor than this very bill, intended to prevent their capricious removal. If his bill had passed, he could not have passed. His post-chaise on the Northern Circuit would have been impeded by the crowds of houseless villagers, driven from their cottages by landlords rendered merciless by the bill. In the mud —all in the mud (for such cases made and provided) would they have rolled this most excellent counsellor. Instigated by the devil and their own malicious purposes, his wig they would have polluted, and tossed to a thou-

* This has since been done.

sand winds the parchment bickerings of Doe and Roe. Mr. Scarlett's bill is so powerful a motive to proprietors for the depopulation of a village—for preventing the poor from living where they wish to live,—that nothing but the conviction that such a bill would never be suffered to pass, has prevented those effects from already taking place. Landlords would, in the contemplation of such a bill, pull down all the cottages of persons not belonging to the parish, and eject the tenants; the most vigorous measures would be taken to prevent any one from remaining or coming who was not absolutely necessary to the lord of the soil. At present, cottages are let to any body; because, if they are burthensome to the parish, the tenants can be removed. But the impossibility of doing this would cause the immediate demolition of cottages; prevent the erection of fresh ones where they are really wanted; and chain a poor man for ever to the place of his birth, without the possibility of moving. If every body who passed over Mr. Scarlett's threshold were to gain a settlement for life in his house, he would take good care never to be at home. We all boldly let our friends in, because we know we can easily get them out. So it is with the residence of the poor. Their present power of living where they please, and going where they please, entirely depends upon the possibility of their removal when they become chargeable. If any mistaken friend were to take from them this protection, the whole power and jealousy of property would be turned against their locomotive liberty; they would become *adscripti glebæ*, no more capable of going out of the parish than a tree is of proceeding, with its roots and branches, to a neighbouring wood.

The remedy here proposed for these evils is really one of the most extraordinary we ever remember to have been introduced into any act of Parliament.

'And whereas it may happen, that in several parishes or townships now burdened with the maintenance of the Poor settled and residing therein, the owners of lands or inhabitants may, *in order to remove the residence of the labouring Poor* from such

parishes or places, destroy the cottages and habitations therein now occupied by the labourers and their families: And whereas also it may happen, that certain towns and villages, maintaining their own poor, may, by the residence therein of labourers employed and working in other parishes or townships lying near the said towns and villages, be charged with the burden of maintaining those who do not work, and before the passing of this Act were not settled therein; For remedy thereof, be it enacted by the authority aforesaid, that, in either of the above cases, it shall be lawful for the Justices, at any Quarter-sessions of the peace held for the county in which such places shall be, upon the complaint of the Overseers of the poor of any parish, town, or place, that by reason of either of the causes aforesaid, the Rates for the relief of the poor of such parish, town, or place, have been materially increased, whilst those of any other parish or place have been diminished, to hear and fully inquire into the matter of such complaint; and in case they shall be satisfied of the truth thereof, then to make an order upon the Overseers of the Poor of the parish or township, whose Rates have been diminished by the causes aforesaid, to pay to the complainants such sum or sums, from time to time, as the said Justices shall adjudge reasonable, not exceeding, in any case, together with the existing rates, the amount limited by this Act, as a contribution towards the relief of the poor of the parish, town, or place whose Rates have been increased by the causes aforesaid; which order shall continue in force until the same shall be discharged by some future order of sessions, upon the application of the Overseers paying the same, and proof that the occasion for it no longer exists: Provided always, that no such order shall be made without proof of notice in writing of such intended application, and of the grounds thereof, having been served upon the Overseers of the Poor of the parish or place, upon whom such order is prayed, fourteen days at least before the first day of the Quarter-sessions, nor unless the Justices making such order shall be satisfied that no money has been improperly or unnecessarily expended by the Overseers of the Poor praying for such order; and that a separate and distinct account has been kept by them of the additional burden which has been thrown upon their Rates by the causes alleged.'—*Bill*, pp. 4, 5.

Now this clause, we cannot help saying, appears to us to be a receipt for universal and interminable litigation all over England—a perfect law-hurricane—a conversion of all flesh into plaintiffs and defendants. The

parish A. has pulled down houses, and burthened the parish B.; B. has demolished to the misery of C.; which has again misbehaved itself in the same manner to the oppression of other letters of the alphabet. All run into parchment, and pant for revenge and exoneration. Though the fact may be certain enough, the causes which gave rise to it may be very uncertain; and assuredly will not be admitted to have been those against which the statute has denounced these penalties. It will be alleged, therefore, that the houses were not pulled down to get rid of the poor, but because they were not worth repair—because they obstructed the squire's view—because rent was not paid. All these motives must go before the sessions, the last resource of legislators,—the unhappy Quarter-sessions, pushed to the extremity of their wit by the plump contradictions of parish perjury.

Another of the many sources of litigation in this clause is as follows:—A certain number of workmen live in a parish M., not being settled in it, and not working in it before the passing of this act. After the passing of this act, they become chargeable to M., whose Poor-rates are increased. M. is to find out the parishes relieved from the burthen of these men, and to prosecute at the Quarter-sessions for relief. But suppose the burthened parish to be in Yorkshire, and the relieved parish in Cornwall, are the Quarter-sessions in Yorkshire to make an order of annual payment upon a parish in Cornwall? and Cornwall, in turn, upon Yorkshire? How is the money to be transmitted? What is the easy and cheap remedy, if neglected to be paid? And if all this could be effected, what is it, after all, but the present system of removal rendered ten times more intricate, confused, and expensive? Perhaps Mr. Scarlett means, that the parishes where these men worked, and which may happen to be within the jurisdiction of the Justices, are to be taxed in aid of the parish M., in proportion to the benefit they have received from the labour of men whose distresses they do not relieve. We must have, then, a detailed account of how much a certain carpenter worked in one parish, how much in another;

and enter into a species of evidence absolutely interminable. We hope Mr. Scarlett will not be angry with us: we entertain for his abilities and character the highest possible respect; but great lawyers have not leisure for these trifling details. It is very fortunate that a clause so erroneous in its view should be so inaccurate in its construction. If it were easy to comprehend it, and possible to execute it, it would be necessary to repeal it.

The shortest way, however, of mending all this, will be entirely to omit this part of the bill. We earnestly, but with very little hope of success, exhort Mr. Scarlett not to endanger the really important part of his project, by the introduction of a measure which has little to do with it, and which any Quarter-Session country squire can do as well or better than himself. The real question introduced by his bill is, whether or not a limit shall be put to the Poor-laws; and not only this, but whether their amount shall be gradually diminished. To this better and higher part of the law, we shall now address ourselves.

In this, however, as well as in the former part of his bill, Mr. Scarlett becomes frightened at his own enactments, and repeals himself. Parishes are first to relieve every person actually resident within them. This is no sooner enacted, than a provision is introduced to relieve them from this expense, tenfold more burthensome and expensive than the present system of removal. In the same manner, a maximum is very wisely and bravely enacted; and, in the following clause, is immediately repealed.

Provided also, and be it further enacted, that, if, by reason of any unusual scarcity of provisions, epidemic disease, or any other cause of a temporary or local nature, it shall be deemed expedient by the Overseers of the Poor, or other persons having, by virtue of any local Act of Parliament, the authority of Overseers of the Poor of any parish, township or place, to make any addition to the sum assessed for the relief of the Poor, beyond the amount limited by this Act, it shall be lawful for the said Overseers, or such other persons, to give public notice in the

several churches, and other places of worship, within the same parish, township, or place, and if there be no church or chapel within such place, then in the parish church or chapel next adjoining the same, of the place and time of a general meeting to be held by the inhabitants paying to the relief of the Poor within such parish, township, or place, for the purpose of considering the occasion and the amount of the proposed addition; and if it shall appear to the majority of the persons assembled at such meeting, that such addition shall be necessary, then it shall be lawful to the Overseers, or other persons having power to make assessments, to increase the assessment by the additional sum proposed and allowed at such meeting, and for the Justices by whom such rate is to be allowed, upon due proof upon oath to be made before them, of the resolution of such meeting, and that the same was held after sufficient public notice, to allow such rate with the proposed addition, specifying the exact amount thereof, with the reasons for allowing the same, upon the face of the rate.'—*Bill*, p. 3.

It would really seem, from these and other qualifying provisions, as if Mr. Scarlett had never reflected upon the consequences of his leading enactments till he had penned them; and that he then set about finding how he could prevent himself from doing what he meant to do. To what purpose enact a maximum, if that maximum may at any time be repealed by the majority of the parishioners? How will the compassion and charity which the Poor-Laws have set to sleep be awakened, when such a remedy is at hand as the repeal of the maximum by a vote of the parish? Will ardent and amiable men form themselves into voluntary associations to meet any sudden exigency of famine and epidemic disease, when this sleepy and sluggish method of overcoming the evil can be had recourse to? As soon as it becomes *really impossible* to increase the poor fund by law—when there is but little, and there *can* be no more, that little will be administered with the utmost caution; claims will be minutely inspected; idle manhood will not receive the scraps and crumbs which belong to failing old age; distress will make the poor provident and cautious; and all the good expected from the abolition of the Poor-Laws will begin to appear. But these

expectations will be entirely frustrated, and every advantage of Mr. Scarlett's bill destroyed, by this fatal facility of eluding and repealing it.

The danger of insurrection is a circumstance worthy of the most serious consideration in discussing the propriety of a maximum. Mr. Scarlett's bill is an infallible receipt for tumult and agitation, whenever corn is a little dearer than common. 'Repeal the maximum,' will be the clamour in every village; and woe be to those members of the village vestry who should oppose the measure. Whether it was really a year of scarcity, and whether it was a proper season for expanding the bounty of the law, would be a question constantly and fiercely agitated between the farmers and the poor. If the maximum is to be quietly submitted to, its repeal must be rendered impossible but to the Legislature. 'Burn your ships, Mr. Scarlett. You are doing a wise and a necessary thing; don't be afraid of yourself. Respect your own nest. Don't let clause A repeal clause B. Be stout. Take care that the Rat Lawyers on the Treasury Bench do not take the oysters out of your Bill, and leave you the shell. Do not yield one particle of the wisdom and philosophy of your measure to the country gentlemen of the earth.'

We object to a *maximum* which is not rendered a decreasing maximum. If definite sums were fixed for each village, which they could not exceed, that sum would, in a very few years become a minimum, and an established claim. If 80*s.* were the sum allotted for a particular hamlet, the poor would very soon come to imagine that they were entitled to that precise sum, and the farmers that they were compelled to give it. Any maximum established should be a decreasing, but a very slowly decreasing, maximum,—perhaps it should not decrease at a greater rate than 10*s.* per cent. per annum.

It may be doubtful, also, whether the first bill should aim at repealing more than 20 per cent. of the present amount of the Poor-rates. This would be effected in forty years. Long before that time, the good or bad

effects of the measure would be fairly estimated; if it be wise that it should proceed, let posterity do the rest. It is by no means necessary to destroy in one moment, upon paper, a payment which cannot, without violating every principle of justice, and every consideration of safety and humanity, be extinguished in less than two centuries.

It is important for Mr. Scarlett to consider, whether he will make the operation of his bill immediate, or interpose two or three years between its enactment and first operation.

We entirely object to the following clause, the whole of which ought to be expunged: —

'And be it further enacted, that it shall not be lawful for any Churchwarden, Overseer, or Guardian of the Poor, or any other person having authority to administer relief to the Poor, to allow or give, or for any Justice of the Peace to order, any relief to any person whatsoever, who shall be married after the passing of this Act, for himself, herself, or any part of his or her family, unless such poor person shall be actually, at the time of asking such relief, by reason of age, sickness, or bodily infirmity, unable to obtain a livelihood, and to support his or her family by work: Provided always, that nothing in this clause contained shall be construed so as to authorise the granting relief, or making any order for relief, in cases where the same was not lawful before the passing of this Act.'

Nothing in the whole bill will occasion so much abuse and misrepresentation as this clause. It is upon this that the Radicals will first fasten. It will, of course, be explained into a prohibition of marriage to the poor; and will, in fact, create a marked distinction between two classes of paupers, and become a rallying point for insurrection. In fact, it is wholly unnecessary. As the funds for the relief of pauperism decrease under the operation of a diminishing maximum, the first to whom relief is refused will be the young and the strong; in other words, the most absurd and extravagant consequences of the present Poor-Laws will be the first cured.

Such, then, is our conception of the bill which ought to be brought into Parliament — a maximum regulated

by the greatest amount of Poor-rates ever paid, and annually diminishing at the rate of 10*s.* per cent. till they are reduced 20 per cent. of their present value; with such a preamble to the bill as will make it fair and consistent for any future Parliament to continue the reduction. If Mr. Scarlett will bring in a short and simple bill to this effect, and not mingle with it any other parochial improvements, and will persevere in such a bill for two or three years, we believe he will carry it; and we are certain he will confer, by such a measure, a lasting benefit upon his country—and upon none more than upon its labouring poor.

We presume there are very few persons who will imagine such a measure to be deficient in vigour. That the Poor-Laws should be stopped in their fatal encroachment upon property, and unhappy multiplication of the human species,—and not only this, but that the evil should be put in a state of diminution, would be an improvement of our condition almost beyond hope. The tendency of fears and objections will all lie the other way; and a bill of this nature will not be accused of inertness, but of rashness, cruelty, and innovation. We cannot now enter into the question of the Poor-Laws, of all others that which has undergone the most frequent and earnest discussion. Our whole reasoning is founded upon the assumption, that no system of laws was ever so completely calculated to destroy industry, foresight, and economy in the poor; to extinguish compassion in the rich; and, by destroying the balance between the demand for, and supply of, labour, to spread a degraded population over a ruined land. Not to attempt the cure of this evil would be criminal indolence: not to cure it gradually and compassionately would be very wicked. To Mr. Scarlett belongs the real merit of introducing the bill. He will forgive us the freedom, perhaps the severity, of some of our remarks. We are sometimes not quite so smooth as we ought to be; but we hold Mr. Scarlett in very high honour and estimation. He is the greatest advocate perhaps of his time; and without the slightest symptom of *tail* or *whiskers*—decora-

tions, it is reported, now as characteristic of the English Bar as wigs and gowns in days of old — he has never carried his soul to the Treasury, and said, What will you give me for this? — he has never sold the warm feelings and honourable motives of his youth and manhood for an annual sum of money and an office, — he has never taken a price for public liberty and public happiness, — he has never touched the political Aceldama, and signed the devil's bond for cursing to-morrow what he has blest to-day. Living in the midst of men who have disgraced it, he has cast honour upon his honourable profession; and has sought dignity, not from the ermine and the mace, but from a straight path and a spotless life.

PRISONS. (E. Review, 1822.)

1. *The Third Report of the Committee of the Society for the Improvement of Prison Discipline, and for the Reformation of Juvenile Offenders.* London, 1821.
2. *Remarks upon Prison Discipline, &c. &c., in a Letter addressed to the Lord Lieutenant and Magistrates of the County of Essex.* By C. C. Western, Esq. M.P. London, 1821.

There never was a Society calculated, upon the whole, to do more good than the Society for the Improvement of Prison Discipline; and, hitherto, it has been conducted with equal energy and prudence. If now, or hereafter, therefore, we make any criticisms on their proceedings, these must not be ascribed to any deficiency of good will or respect. We may differ from the Society in the means —our ends, we are proud to say, are the same.

In the improvement of prisons, they consider the small number of *recommitments* as the great test of amelioration. Upon this subject we have ventured to differ from them in a late Number; and we see no reason to alter our opinion. It is a mistake, and a very serious and fundamental mistake, to suppose that the principal object in gaols is the reformation of the offender. The principal object undoubtedly is, to prevent the repetition of the offence by the punishment of the offender; and, therefore, it is quite possible to conceive that the offender himself may be so kindly, gently, and agreeably led to reformation, by the efforts of good and amiable persons, that the effect of the punishment may be destroyed, at the same time that the punished may be improved. A prison may lose its terror and discredit, though the prisoner may return from it a better scholar, a better artificer, and a better man. The real and only test, in short, of a good prison system is, the diminution of offences by the terror of the punishment. If it can be shown that, in proportion as attention and expense have

been employed upon the improvement of prisons, the number of commitments has been diminished, — this indeed would be a convincing proof that such care and attention were well employed. But the very reverse is the case; the number of commitments within these last ten years having nearly doubled all over England.

The following are stated to be the committals in Norfolk county gaol. From 1796 to 1815, the number averaged about 80.

In 1816	it was	134
1817	-	142
1818	-	159
1819	-	161
1820	-	223.—*Report*, p. 57.

In Staffordshire, the commitments have gradually increased from 195 in 1815, to 443 in 1820 — though the gaol has been built since Howard's time, at an expense of 30,000*l.* — (*Report*, p. 67.) In Wiltshire, in a prison which has cost the county 40,000*l.*, the commitments have increased from 207 in 1817, to 504 in 1821. Within this period, to the eternal scandal and disgrace of our laws, 378 persons have been committed for Game offences — constituting a sixth part of all the persons committed; so much for what our old friend, Mr. Justice Best, would term the unspeakable advantages of country gentlemen residing upon their own property!

When the Committee was appointed in the county of Essex, in the year 1818, to take into consideration the state of the gaol and houses of correction, they found that the number of prisoners annually committed had increased, within the ten preceding years, from 559 to 1993; and there is little doubt (adds Mr. Western) of this proportion being a tolerable specimen of the whole kingdom. We are far from attributing this increase solely to the imperfection of prison discipline. Increase of population, new statutes, the extension of the breed of pheasants, landed and mercantile distress, are very operative causes. But the increase of commitments is a stronger proof against the present state of prison

discipline, than the decrease of recommitments is in its favour. We may possibly have made some progress in the art of teaching him who has done wrong, to do so no more; but there is no proof that we have learnt the more important art of deterring those from doing wrong who are doubting whether they shall do it or not, and who, of course, will be principally guided in their decision by the sufferings of those who have previously yielded to temptation.

There are some assertions in the Report of the Society, to which we can hardly give credit, — not that we have the slightest suspicion of any intentional misrepresentation, but that we believe there must be some unintentional error.

'The Ladies' Committees visiting Newgate and the Borough Compter, have continued to devote themselves to the improvement of the female prisoners, in a spirit worthy of their enlightened zeal and Christian charity. The beneficial effects of their exertions have been evinced by the progressive decrease in the number of female prisoners recommitted, which has diminished, since the visits of the Ladies to Newgate, no less than 40 per cent.'

That is, that Mrs. Fry and her friends have reclaimed forty women out of every hundred, who, but for them, would have re-appeared in gaols. Nobody admires and respects Mrs. Fry more than we do; but this fact is scarcely credible; and, if accurate, ought, in justice to the reputation of the Society and its real interests, to have been thoroughly substantiated by names and documents. The ladies certainly lay claim to no such extraordinary success in their own Report quoted in the Appendix; but speak with becoming modesty and moderation of the result of their labours. The enemies of all these reforms accuse the reformers of enthusiasm and exaggeration. It is of the greatest possible consequence, therefore, that their statements should be correct, and their views practical; and that all strong assertions should be supported by strong documents. The English are a calm, reflecting people; they will

give time and money when they are convinced; but they love dates, names, and certificates. In the midst of the most heart-rending narratives, Bull requires the day of the month, the year of our Lord, the name of the parish, and the countersign of three or four respectable householders. After these affecting circumstances, he can no longer hold out; but gives way to the kindness of his nature—puffs, blubbers, and subscribes!

A case is stated in the Hertford house of correction, which so much more resembles the sudden conversions of the Methodist Magazine, than the slow and uncertain process by which repentance is produced in real life, that we are a little surprised the Society should have inserted it.

'Two notorious poachers, as well as bad men, were committed for three months, for not paying the penalty after conviction, but who, in consequence of extreme contrition and good conduct, were, at the intercession of the clergyman of their parish, released before the expiration of their term of punishment. Upon leaving the House of Correction, they declared that they had been completely brought to their senses—spoke with gratitude of the benefit they had derived from the advice of the chaplain, and promised, upon their return to their parish, that they would go to their minister, express their thanks for his interceding for them; and moreover that they would, for the future, attend their duty regularly at church. It is pleasing to add, that these promises have been faithfully fulfilled.'—*App. to Third Report*, pp. 29, 30.

Such statements prove nothing, but that the clergyman who makes them is an amiable man, and probably a college tutor. Their introduction, however, in the Report of a Society depending upon public opinion for success, is very detrimental.

It is not fair to state the recommitments of one prison, and compare them with those of another, perhaps very differently circumstanced,—the recommitments, for instance, of a county gaol, where offences are generally of serious magnitude, with those of a borough, where the most trifling faults are punished. The important thing would be, to give a table of recommit-

ments, in the same prison, for a series of years,—the average of recommitments, for example, every five years in each prison for twenty years past. If the Society can obtain this, it will be a document of some importance (though of less perhaps than they would consider it to be). At present they tell us, that the average of recommitments in certain prisons is 3 per cent.: in certain other prisons 5 per cent.: but what were they twenty years ago in the same prison?—what were they five years ago? If recommitments are to be the test, we must know whether these are becoming, *in any given prison*, more or less frequent, before we can determine whether that prison is better or worse governed than formerly. Recommitments will of course be more numerous where prisoners are received from large towns, and from the resorts of soldiers and sailors; because it is in these situations that we may expect the most hardened offenders. The different nature of the two soils which grow the crimes must be considered before the produce gathered into prisons can be justly compared.

The quadruple column of the state of prisons for each year is a very useful and important document; and we hope, in time, the Society will give us a general and particular table of commitments and recommitments carried back for twenty or thirty years; so that the table may contain (of Gloucester gaol, for instance), 1st, the greatest number it can contain; 2dly, the greatest number it did contain at any one period in each year; 3dly, its classification; 4thly, the greatest number committed in any given year; 5thly, four averages of five years each, taken from the twenty years preceding, and stating the greatest number of commitments; 6thly, the greatest number of recommitments in the year under view; and four averages of recommitments, made in the same manner as the average of the commitments; and then totals at the bottom of the columns. Tables so constructed would throw great light upon the nature and efficacy of imprisonment.

We wish the Society would pay a little more attention to the question of solitary imprisonment, both in

darkness and in light; and to the extent to which it may be carried. Mr. Western has upon this subject some ingenious ideas.

'It appears to me, that, if relieved from these impediments, and likewise from any idea of the necessity of making the labour of prisoners profitable, the detail of corrective prison discipline would not be difficult for any body to chalk out. I would first premise, that the only punishment for refractory conduct, or any misbehaviour in the gaol, should, in my opinion, be solitary confinement; and that, instead of being in a dark hole, it should be in some part of the house where they could fully see the light of day; and I am not sure that it might not be desirable in some cases, if possible, that they should see the surrounding country and moving objects at a distance, and every thing that man delights in, removed at the same time from any intercourse or word or look with any human being, and quite out of the reach of being themselves seen. I consider such confinement would be a punishment very severe, and calculated to produce a far better effect than darkness. All the feelings that are good in men would be much more likely to be kept alive; the loss of liberty, and all the blessings of life which honesty will ensure, more deeply to be felt. There would not be so much danger of any delinquent sinking into that state of sullen, insensible condition, of incorrigible obstinacy, which sometimes occurs. If he does under those circumstances, we have a right to keep him out of the way of mischief, and let him there remain. But I believe such solitary confinement as I have described, with scanty fare, would very rarely fail of its effect.'—*Western's Remarks*, pp. 59, 60.

There is a good deal in this; it is well worth the trial; and we hope the Society will notice it in their next Report.

It is very difficult to hit upon degrees; but we cannot help thinking the Society lean too much to a system of indulgence and education in gaols. We shall be very glad to see them more stern and Spartan in their discipline. They recommend work, and even hard work; but they do not insist upon it, that the only work done in gaols by felons should be hard, dull, and uninteresting; they do not protest against the conversion of gaols into schools and manufactories. Look, for example, to 'Preston house of correction.'

'Preston house of correction is justly distinguished by the industry which prevails. Here an idle hand is rarely to be found. There were lately 150 looms in full employ, from each of which the average weekly earnings are 5*s*. About 150 pieces of cotton goods are worked off per week. A considerable proportion of the looms are of the prisoner's own manufacture. In one month, an inexperienced workman will be able to earn the cost of his gaol allowance of food. Weaving has these advantages over other prison labour: the noise of the shuttle prevents conversation, and the progress of the work constantly requires the eye. The accounts of this prison contained in the Appendix deserve particular attention, as there appears to be a balance of clear profit to the county, from the labour of the prisoners, in the year, of 1398*l*. 9*s*. 1*d*. This sum was earned by weaving and cleaning cotton only; the prisoners being besides employed in tailoring, whitewashing, flagging, slating, painting, carpentering, and labourers' work, the earnings of which are not included in the above account.'—*Third Report*, pp. 21, 22.

'At Worcester county gaol, the system of employment is admirable. Every article of dress worn by the prisoners is made from the raw material: sacking and bags are the only articles made for sale.'—*Ib.* p. 23.

'In many prisons, the instruction of the prisoners in reading and writing has been attended with excellent effects. Schools have been formed at Bedford, Durham, Chelmsford. Winchester, Hereford, Maidstone, Leicester house of correction. Shrewsbury, Warwick, Worcester, &c. Much valuable assistance has been derived in this department from the labours of respectable individuals, especially females, acting under the sanction of the magistrates, and direction of the chaplain.'—*Ib.* pp. 30, 31.

We again enter our decided protest against these modes of occupation in prisons; they are certainly better than mere idleness spent in society; but they are not the kind of occupations which render prisons terrible. We would banish all the looms of Preston gaol, and substitute nothing but the tread-wheel, or the capstan, or some species of labour where the labourer could not see the results of his toil,—where it was as monotonous, irksome, and dull as possible,—pulling and pushing, instead of reading and writing,—no share of the profits—not a single shilling. There should be no tea and sugar,—no assemblage of female felons round

the washing-tub, — nothing but beating hemp, and pulling oakum, and pounding bricks, — no work but what was tedious, unusual, and unfeminine. Man, woman, boy and girl, should all leave the gaol, unimpaired indeed in health, but heartily wearied of their residence; and taught, by sad experience, to consider it as the greatest misfortune of their lives to return to it. We have the strongest belief that the present lenity of gaols, the education carried on there—the cheerful assemblage of workmen—the indulgence in diet—the shares of earnings enjoyed by prisoners, are one great cause of the astonishingly rapid increase of commitments.

Mr. Western, who entirely agrees with us upon these points, has the following judicious observations upon the severe system:—

'It may be imagined by some persons, that the rules here prescribed are too severe; but such treatment is, in my opinion, the tenderest mercy, compared with that indulgence which is so much in practice, and which directly tends to ruin, instead of saving, its unfortunate victim. This severity it is which in truth forms the sole effective means which imprisonment gives; only one mitigation therefore, if such it may be termed, can be admissible, and that is, simply to shorten the duration of the imprisonment. The sooner the prisoner comes out the better, if fully impressed with dread of what he has suffered, and communicates information to his friends what they may expect if they get there. It appears to me, indeed, that one great and primary object we ought to have in view is, generally, to shorten the duration of imprisonment, at the same time that we make it such a punishment as is likely to deter, correct, and reform; shorten the duration of imprisonment before trial, which we are called upon, by every principle of moral and political justice to do; shorten also the duration of imprisonment after trial, by the means here described; and I am satisfied our prisons would soon lose, or rather would never see, half the number of their present inhabitants. The long duration of imprisonment, where the discipline is less severe, renders it perfectly familiar, and, in consequence, not only destitute of any useful influence, but obviously productive of the worst effects; yet this is the present practice; and, I think, indeed, criminals are now sentenced to a longer period of confinement than formerly.

'The deprivation of liberty certainly is a punishment under

any circumstances; but the system generally pursued in our gaols might rather be considered as a palliative of that punishment, than to make it effectual to any good purpose. An idle life, society unrestrained, with associates of similar character and habits, better fare and lodgings in many cases, and in few, if any, worse than falls to the lot of the hardworking and industrious peasant; and very often much better than the prisoners were in the enjoyment of before they were apprehended.

'I do not know what could be devised more agreeable to all the different classes of offenders than this sort of treatment: the old hardened sinner, the juvenile offender, or the idle vagabond, who runs away and leaves a sick wife and family to be provided for by his parish, alike have little or no apprehension, at present, of any imprisonment to which they may be sentenced; and thus are the most effective means we possess to correct and reform rendered totally unavailable, and even perverted, to the more certain ruin of those who might be restored to society good and valuable members of it.

'There are, it is true, various occupations now introduced into many prisons, but which, I confess, I think of very little use; drawing and preparing straws, platting, knitting, heading pins, &c., weaving, and working at a trade even, as it is generally carried on—prisoners coaxed to the performance of it, the task easy, the reward immediate—afford rather the means of passing away the time agreeably. These occupations are indeed better than absolute idleness, notwithstanding that imprisonment may be rendered less irksome thereby. I am far from denying the advantage, still less would I be supposed to derogate from the merits of those who, with every feeling of humanity, and with indefatigable pains, in many instances, have established such means of employment; and some of them for women, with washing, &c., amount to hard labour; but I contend that, for men, they are applicable only to a house of industry, and by no means suited to the corrective discipline which should be found in a prison. Individuals are sent here to be punished, and for that sole purpose; in many cases for crimes which have induced the forfeiture of life: they are not sent to be educated, or apprenticed to a trade. The horrors of dungeon imprisonment, to the credit of the age, no longer exist. But if no cause of dread is substituted, by what indication of common sense is it that we send criminals there at all? If prisons are to be made into places in which persons of both sexes and all ages may be well fed, clothed, lodged, educated, and taught a trade, where they may find pleasant society, and are required not to take heed for the morrow, the present inhabit-

ants should be turned out, and the most deserving and industrious of our poorest fellow subjects should be invited to take their place, which I have no doubt they would be eager to do.' — *Western*, pp. 13—17..

In these sentiments we most cordially agree. They are well worth the most serious attention of the Society.

The following is a sketch from Mr. Western's book of what a prison life should be. It is impossible to write with more good sense, and a more thorough knowledge of the subject.

'The operations of the day should begin with the greatest punctuality at a given hour; and, as soon as the prisoners have risen from their beds, they should be, according to their several classes, marched to the workhouses, where they should be kept to hard labour two hours at least; from thence they should be taken back to wash, shave, comb, and clean themselves; thence to the chapel to hear a short prayer, or the governor or deputy should read to them in their respective day-rooms; and then their breakfast, which may, altogether, occupy an hour and a half or more. I have stated, in a former part of my letter, that the hours of meals and leisure should be in solitude, in the sleeping cells of the prison; but I presume, for the moment, this may not always be practicable. I will therefore consider the case as if the classes assembled at meal-times in the different day-rooms. After breakfast they should return to hard labour for three or four hours, and then take another hour for dinner; labour after dinner two or three hours, and their supper given them to eat in solitude in their sleeping cells.

'This marching backwards and forwards to chapel and mill-house, &c., may appear objectionable, but it has not been so represented to me in the prisons where it actually now takes place; and it is, to my apprehension, materially useful in many respects. The object is to keep the prisoners in a state of constant motion, so that there shall be no lounging time or loitering, which is always favourable to mischief or cabal. For the same reason it is I propose two hours' labour the moment they are up, and before washing, &c., that there may be no time lost, and that they may begin the day by a portion of labour, which will tend to keep them quiet and obedient the remainder of it. Each interval for meal, thus occurring between labour hours, has also a tendency to render the mischief of in-

tercourse less probable, and at the same time the evening association, which is most to be apprehended in this respect, is entirely cut off. The frequent moving of the prisoners from place to place keeps the governor and sub-officers of the prison in a similar state of activity and attention, which is likewise of advantage, though their numbers should be such as to prevent their duty becoming too arduous or irksome. Their situation is not pleasant, and their responsibility is great. An able and attentive governor, who executes all his arduous duties with unremitting zeal and fidelity, is a most valuable public servant, and entitled to the greatest respect. He must be a man of no ordinary capacity, with a liberal and comprehensive mind, possessing a control over his own passions, firm and undaunted, a character that commands from those under him, instinctively, as it were, respect and regard. In vain are our buildings, and rules, and regulations, if the choice of a governor is not made an object of primary and most solicitous attention and consideration.

'It does not appear to me necessary for the prisoners to have more than three hours' leisure, inclusive of meal-times; and I am convinced the close of the day must be in solitude. Eight or ten hours will have passed in company with their fellow prisoners of the same class (for I am presuming that a separate compartment of the workhouse will be allotted to each) where, though they cannot associate to enjoy society as they would wish, no gloom of solitude can oppress them: there is more danger even then of too close an intercourse and conversation, though a ready cure is in that case to be found by a wheel put in motion, the noise of which speedily overcomes the voice. Some time after Saturday night should be allowed to them, more particularly to cleanse themselves and their clothes, and they should have a bath, cold or warm, if necessary; and on the Sunday they should be dressed in their best clothes, and the day should be spent wholly in the chapel, the cell, and the airing ground; the latter in the presence of a day watchman, as I have described to be in practice at Warwick. I say nothing about teaching to read, write, work, &c. &c.; any proportion of time necessary for any useful purpose may be spared from the hours of labour or of rest, according to circumstances; but I do not place any reliance upon improvement in any branch of education: they would not, indeed, be there long enough. All I want them to learn is, that there exists the means of punishment for crime, and be fully impressed with dread of repetition of what they have undergone; and a short time will suffice for that purpose. Now, if each successive day was spent in this

manner, can it be doubted that the frequent commission of crime would be checked, and more done to deter, correct, and reform, than could be accomplished by any other punishment? A period of such discipline, longer or shorter, according to the nature of the offence, would surely be sufficient for any violation of the law short of murder, or that description of outrage which is likely to lead on to the perpetration of it. This sort of treatment is not to be overcome: it cannot be braved, or laughed at, or disregarded, by any force of animal spirits, however strong or vigorous of mind or body the individual may be. 'The dull, unvarying course of hard labour, with hard fare and seclusion, must in time become so painfully irksome, and so wear and distress him, that he will inevitably, in the end, be subdued.'—*Western*, pp. 64—69.

There is nothing in the Report of the Prison Society so good as this.

The Society very properly observe upon the badness of town gaols, and the necessity for their suppression. Most towns cannot spare the funds necessary for building a good gaol. Shopkeepers cannot spare the time for its superintendence; and hence it happens that town gaols are almost always in a disgraceful state. The Society frequently allude to the diffusion of tracts. If education is to be continued in gaols, and tracts are to be dispersed, we cannot help lamenting that the tracts, though full of good principles, are so intolerably stupid —and all apparently constructed upon the supposition, that a thief or a peccant ploughman are inferior in common sense to a boy of five years old. The story generally is, that a labourer with six children has nothing to live upon but mouldy bread and dirty water; yet nothing can exceed his cheerfulness and content—no murmurs—no discontent: of mutton he has scarcely heard—of bacon he never dreams: furfurous bread and the water of the pool constitute his food, establish his felicity, and excite his warmest gratitude. The squire or parson of the parish always happens to be walking by, and overhears him praying for the king and the members for the county, and for all in authority; and it generally ends with their offering him a shilling, which this excellent man declares he does

not want, and will not accept! These are the pamphlets which Goodies and Noodles are dispersing with unwearied diligence. It would be a great blessing if some genius would arise who had a talent of writing for the poor. He would be of more value than many poets living upon the banks of lakes—or even (though we think highly of ourselves) of greater value than many reviewing men living in the garrets of the north.

The Society offer some comments upon the prison bill now pending, and which, unfortunately* for the cause of prison improvement, has been so long pending in the legislature. In the copy of this bill, as it stands at present, nothing is said of the limitation of numbers in any particular class. We have seen forty felons of one class in one yard before trial. If this be to continue, all prison improvement is a mere mockery. Separate sleeping cells should be enacted positively, and not in words which leave this improvement optional. If any visiting justice dissent from the majority†, it should be lawful for him to give in a separate report upon the state of the prison and prisoners to the Judge or the Quarter-sessions. All such reports of any visiting magistrate or magistrates, not exceeding a certain length, should be published in the county papers. The chairman's report to the Secretary of State should be published in the same manner. The great panacea is publicity: it is this which secures compliance with wise and just laws, more than all the penalties they contain for their own preservation.

We object to the reading and writing clause. A poor man, who is lucky enough to have his son committed for a felony, educates him, under such a system, for nothing; while the virtuous simpleton on the other side of the wall is paying by the quarter for these attainments. He sees clergymen and ladies busy with the larcenous pupil;

* The county of York, with a prison under presentment, has been waiting nearly three years for this bill, in order to proceed upon the improvement of their county gaol.

† It would be an entertaining change in human affairs to determine every thing by *minorities*. They are almost always in the right.

while the poor lad, who respects the eighth commandment, is consigned, in some dark alley, to the frowns and blows of a ragged pedagogue. It would be the safest way, where a prisoner is kept upon bread and water alone, to enact that the allowance of bread should not be less than a pound and a half for men, and a pound for women and boys. We strongly recommend, as mentioned in a previous Number, that four sorts of diet should be enacted for every prison: 1st, Bread and water; 2d, Better prison diet; 3d, Best prison diet; 4th, Free diet—the second and third to be defined by the visiting magistrates. All sentences of imprisonment should state to which of these diets the prisoner is to be confined; and all deviation from it on the part of the prison officers should be punished with very severe penalties. The regulation of diet in a prison is a point of the very highest importance; and to ask of visiting magistrates that they should doom to bread and water a prisoner, whom the law has left at liberty to purchase whatever he has money to procure, is a degree of severity which it is hardly fair to expect from country gentlemen, and, if expected, those expectations will not be fulfilled. The whole system of diet, one of the mainsprings of all prison discipline, will get out of order, if its arrangement be left to the interference of magistrates, and not to the sentence of the judge. Free diet and bread diet need no interpretation; and the jailer will take care to furnish the judge with the definitions of better prison diet and best prison diet. A knowledge of the diet prescribed in a jail is absolutely necessary for the justice of the case. Diet differs so much in different prisons, that six weeks in one prison is as severe a punishment as three months in another. If any country gentleman, engaged in legislation for prisons, is inclined to undervalue the importance of these regulations, let him appeal to his own experience, and remember, in the vacuity of the country, how often he thinks of dinner, and of what there will be for dinner; and how much his amenity and courtesy for the evening depend upon the successful execution of this meal. But there is nobody so gluttonous and sensual

as a thief; and he will feel much more bitterly fetters on his mouth than his heels. It sometimes happens that a gentleman is sentenced to imprisonment, for manslaughter in a duel, or for a libel. Are visiting justices to doom such a prisoner to bread and water, or are *they* to make an invidious distinction between him and the other prisoners? The diet should be ordered by the judge, or it never will be well ordered—or ordered at all.

The most extraordinary clause in the bill is the following:—

'And be it further enacted, that in case any criminal prisoner shall be guilty of any repeated offence against the rules of the prison, or shall be guilty of *any greater offence* which the jailer or keeper is not by this act empowered to punish, the said jailer or keeper shall report the same to the visiting justices, or one of them, for the time being; and such justices, or one of them, shall have power to inquire upon oath, and determine concerning any such offence so reported to him or them, and shall order the offender to be punished, either by moderate whipping, repeated whippings, or by close confinement, for any term not exceeding .'—*Act*, p. 21.

Upon this clause, any one justice may order repeated whippings for any offence greater than that which the jailer may punish. Our respect for the committee will only allow us to say, that we hope this clause will be reconsidered. We beg leave to add, that there should be a return to the principal Secretary of State of recommitments as well as commitments.

It is no mean pleasure to see this attention to jail-discipline travelling from England to the detestable and despotic governments of the Continent,—to see the health and life of captives admitted to be of any importance,—to perceive that human creatures in dungeons are of more consequence than rats and black beetles. All this is new—is some little gained upon tyranny; and for it we are indebted to the labours of the Prison Society. Still the state of prisons, on many parts of the Continent, is shocking beyond all description.

It is a most inconceivable piece of cruelty and absurdity

in the English law, that the prisoner's counsel, when he is tried for any capital felony, is not allowed to speak for him; and this we hope the new prison bill will correct. Nothing can be more ridiculous in point of reasoning, or more atrociously cruel and unjust in point of fact. Any number of counsel may be employed to take away the poor man's life. They are at full liberty to talk as long as they like; but not a syllable is to be uttered in his defence—not a sentence to show why the prisoner is not to be hung. This practice is so utterly ridiculous to any body but lawyers (to whom nothing that is customary is ridiculous), that men not versant with courts of justice will not believe it. It is, indeed, so utterly inconsistent with the common cant of the humanity of the English law, that it is often considered to be the mistake of the narrator, rather than the imperfection of the system. We must take this opportunity, therefore, of making a few observations on this very strange and anomalous practice.

The common argument used in its defence is that the judge is counsel for the prisoner. But the defenders of this piece of cruel and barbarous nonsense must first make their election, whether they consider the prisoner to be, by this arrangement, in a better, a worse, or an equally good situation as if his counsel were allowed to plead for him. If he be in a *worse* situation, *why* is he so placed? Why is a man, in a solemn issue of life and death, deprived of any fair advantage which any suitor in any court of justice possesses? This is a plea of guilty to the charge we make against the practice; and its advocates, by such concession, are put out of court. But, if it be an advantage, or no disadvantage, whence comes it that the choice of this advantage, in the greatest of all human concerns, is not left to the party, or to his friends? If the question concern a footpath—or a fat ox—every man may tell his own story, or employ a barrister to tell it for him. The law leaves the litigant to decide on the method most conducive to his own interest. But, when the question is whether he is to live or die, it is at once decided for him that his counsel are to be dumb! And

yet, so ignorant are men of their own interests, that there is not a single man tried who would not think it a great privilege if counsel were allowed to speak in his favour, and who would not be supremely happy to lay aside the fancied advantage of their silence. And this is true not merely of ignorant men; but there is not an Old Bailey barrister who would not rather employ another Old Bailey barrister to speak for him, than enjoy the advantage (as the phrase is) of having the judge for his counsel. But in what sense, after all, is the judge counsel for the prisoner? He states, in his summing up, facts as they have been delivered in evidence; and he tells the jury upon what points they are to decide: he mentions what facts are in favour of the prisoner, and what bear against him; and he leaves the decision to the jury. Does he do more than this in favour of the prisoner? Does he misstate? does he mislead? does he bring forward arguments on one side of the question, and omit equally important arguments on the other? If so, he is indeed counsel for the prisoner; but then who is judge? who takes care of the interests of the public? But the truth is, he does no such thing; he does merely what we have stated him to do; and would he do less, *could* he do less, if the prisoner's counsel spoke for him? If an argument were just, or an inference legitimate, he would not omit the one, or refute the other, because they had been put or drawn in the speech of the prisoner's counsel. He would be no more prejudiced against the defendant in a criminal than in a civil suit. He would select from the speeches of both counsel all that could be *fairly* urged for or against the defendant, and he would reply to their fallacious reasonings. The pure administration of justice requires of him, in either case, the same conduct. Whether the whole bar spoke for the prisoner, or whether he was left to defend himself, what can the judge do, or what ought he to do, but to state to the jury the facts as they are given in evidence, and the impression these facts have made upon his own mind? In the mean time, while the prisoner's counsel have been compelled to be silent, the accuser's, the opposite party, have

enjoyed an immense advantage. In considering what bears against the prisoner, the judge has heard, not only the suggestions of his own understanding, but he has been exposed to the able and artful reasoning of a practised advocate, who has been previously instructed in the case of which the judge never heard a syllable before he came into court. Suppose it to be a case depending upon circumstantial evidence; in how many new points of view may a man of genius have placed those circumstances, which would not have occurred to the judge himself! How many inferences may he have drawn, which would have been unnoticed, but for the efforts of a man whose bread and fame depend upon his exertions and who has purposely, and on contract, flung the whole force of his understanding into one scale! In the mean time, the prisoner can say nothing, for he has not the gift of learned speech; his counsel can say nothing, though he has communicated with the prisoner, and could place the whole circumstances, perhaps, in the fairest and clearest point of view for the accused party. By the courtesy of England this is called *justice*—we in the north cannot admit of the correctness of the appellation.

It seems utterly to be forgotten, in estimating this practice, that two understandings are better than one. The judge must inevitably receive many new views against the prisoner by the speech of one counsel, and lose many views in favour of the prisoner by the silence of the other. We are not to suppose (like ladies going into court in an assize town) that the judge would have thought of every thing which the counsel against the prisoner has said, and which the counsel for the prisoner would have said. The judge, wigged and robed as he is is often very inferior in acuteness to either of the persons who are pleading under him—a cold, slow, parchment and precedent man, without passions or præcordia,—perhaps a sturdy brawler for church and king,—or a quiet man of ordinary abilities, steadily, though perhaps conscientiously, following those in power through thick and thin—through right and wrong. Whence comes it that the method of getting at truth, which is so ex-

cellent on all common occasions, should be considered as so improper on the greatest of all occasions, where the life of a man is concerned? If an acre of land is to be lost or won, one man says all that can be said on one side of the question—another on the other; and the jury, aided by the impartiality of the judge, decide. The wit of man can devise no better method of disentangling difficulty, exposing falsehood, and detecting truth. '*Tell me why I am hurried away to a premature death, and no man suffered to speak in my defence, when at this very moment, and in my hearing, all the eloquence of the bar, on the other side of your justice-hall, is employed in defending a path or a hedge? Is a foot of land dearer to any man than my life is to me? The civil plaintiff has not trusted the smallest part of his fate or fortune to his own efforts; and will you grant me no assistance of superior wisdom, who have suffered a long famine to purchase it—who am broken by prison—broken by chains—and so shamed by this dress of guilt, and abashed by the presence of my superiors, that I have no words which you could hear without derision—that I could not give way for a moment to the fulness and agitation of my rude heart without moving your contempt?*' So spoke a wretched creature to a judge in our hearing! and what answer could be given, but 'Jailer, take him away?'

We are well aware that a great decency of language is observed by the counsel employed against the prisoner, in consequence of the silence imposed upon the opposite counsel; but then, though there is a decency, as far as concerns impassioned declamation, yet there is no restraint, and there can be no restraint, upon the reasoning powers of a counsellor. He may put together the circumstances of an imputed crime in the most able, artful, and ingenious manner, without the slightest vehemence or passion. We have no objection to this, if any counter statement were permitted. We want only fair play. Speech for both sides, or speech for none. The first would be the wiser system; but the second would be clear from the intolerable cruelty of the present. We see no harm that would ensue, if both advocates were to follow

their own plan without restraint. But, if the feelings are to be excluded in all causes of this nature (which seems very absurd), then let the same restraint be exacted from both sides. It might very soon be established as the etiquette of the bar, that the pleadings on both sides were expected to be calm, and to consist of reasoning upon the facts. In high treason, where the partiality of the judge and power of the court are suspected, this absurd incapacity of being heard by counsel is removed. Nobody pretends to say, in such cases, that the judge would be counsel for the prisoner; and yet, how many thousand cases are there in a free country which have nothing to do with high treason, and where the spirit of party, unknown to himself, may get possession of a judge? Suppose any trial for murder to have taken place in the Manchester riots,—will any man say that the conduct of many judges on such a question ought not to have been watched with the most jealous circumspection? Would any prisoner—would any fair mediator between the prisoner and the public—be satisfied at such a period with the axiom that the judge is counsel for the prisoner? We are not saying that there is no judge who might not be so trusted, but that all judges are not, at all times, to be so intrusted. We are not saying that any judge would wilfully do wrong; but that many might be led to do wrong by passions and prejudices of which they were unconscious; and that the real safeguard to the prisoner, the best, the only safeguard, is full liberty of speech for the counsel he has employed.

What would be the discipline of that hospital, where medical assistance was allowed in all trifling complaints, and withheld in every case of real danger? where Bailey and Halford were lavished upon stomach-aches and refused in typhus fever? where the dying patient beheld the greatest skill employed upon trifling evils of others, and was told, because his was a case of life and death, that the cook or the nurse was to be his physician?

Suppose so intolerable an abuse (as the Attorney and Solicitor General would term it) had been established,

and that a law for its correction was now first proposed, entitled an *Act to prevent the Counsel for Prisoners from being heard in their Defence!!!*

What evil would result from allowing counsel to be heard in defence of prisoners? Would too many people be hung from losing that valuable counsellor, the judge? or would too few people be hung? or would things remain much as they are at present? We never could get the admirers of this practice to inform us what the results would be of deviating from it; and we are the more particularly curious upon this point, because *our* practice is decidedly the reverse, and we find no other results from it than a fair administration of criminal justice. In all criminal cases that require the intervention of a jury in Scotland, a prisoner must have, 1st, a copy of the indictment, which must contain a minute specification of the offence charged; 2dly, a list of witnesses; 3dly, a list of the assize; and, 4thly, in every question that occurs, and in all addresses to the jury, the prisoner's counsel has the last word. Where is the boasted mercy of the English law after this?

The truth is, it proceeds from the error which, in all dark ages, pervades all codes of laws, of confounding the accused with the guilty. In the early part of our state trials, the prisoners were not allowed to bring evidence against the witnesses of the crown. For a long period after this, the witnesses of the prisoner were not suffered to be examined upon oath. One piece of cruelty and folly has given way after another. Each has been defended by the Attorney and Solicitor General for the time, as absolutely necessary to the existence of the state, and the most perfect performance of our illustrious ancestors. The last grand hope of every foolish person is the silence of the prisoner's counsel. In the defence of this, it will be seen what stupidity driven to despair can achieve. We beg pardon for this digression; but flesh and blood cannot endure the nonsense of lawyers upon this subject.

The Society have some very proper remarks upon the religious instructions of the chaplain — an appointment

of vast importance and utility; unfortunately very ill paid, and devolving entirely upon the lower clergy. It is said that the present Bishop of Gloucester, Dr. Ryder, goes into jails, and busies himself with the temporal wretchedness and the eternal welfare of the prisoners. If this be so, it does him great honour, and is a noble example to all ranks of clergy who are subject to him. Above all, do not let us omit the following beautiful anecdote, while we are talking of good and pious men.

'The Committee cannot refrain from extracting from the Report of the Paris Society, the interesting anecdote of the excellent Père Joussony, who being sent, by the Consul at Algiers, to minister to the slaves, fixed his residence in their prison; and, during a period of thirty years, never quitted his post. Being compelled to repair to France, for a short period, he returned again to the prison, and at length resigned his breath in the midst of those for whose interests he had laboured, and who were dearer to him than life.' — *Report*, p. 30.

It seems to be a very necessary part of the prison system, that any poor person, when acquitted, should be passed to his parish; and that all who are acquitted should be *immediately* liberated. At present, a prisoner, after acquittal, is not liberated till the Grand Jury are dismissed *, in case (as it is said) any more bills should be preferred against him. This is really a considerable hardship; and we do not see, upon the same principle, why the prisoner may not be detained for another assize. To justify such a practice, notice should, at all events, be given to the jailer of intention to prefer other charges against him. To detain a man who is acquitted of all of which he has been accused, and who is accused of nothing more, merely because he *may be accused of something more*, seems to be a great perversion of justice. The greatest of all prison improvements, however, would be, the delivery of jails four times in the year. It would save expense; render justice more terrible, by rendering it more prompt; facilitate classification, by lessening

* This has since been done away with.

numbers; keep constantly alive, in the minds of wicked men, the dread of the law; and diminish the unjust sufferings of those who, after long imprisonment, are found innocent.

'From documents,' says Mr. Western, 'upon the table of the House of Commons in 1819, I drew out an account, which I have already adverted to in part, but which I shall restate here, as it places, in a strong point of view, the extent of injustice, and inconsistency too, arising out of the present system. It appeared, that at the Maidstone Lent Assizes of that year there were one hundred and seventy-seven prisoners for trial; of these seventeen were in prison before the 1st of October, eighty-three before the 1st of January, the shortest period of confinement before trial being six months of the former, three months of the latter. Nothing can show us more plainly the injustice of such confinement, than the known fact of six months' imprisonment being considered a sufficient punishment for half the felonies that are committed; but the case is stronger, when we consider the number acquitted; seventeen of the twenty-seven first mentioned were acquitted, nine of the seventeen were discharged, not being prosecuted, or having no bill found against them. On the other side it appeared, that twenty-five convicted felons were sentenced to six months' imprisonment, or under, the longest period of whose confinement did not therefore exceed the shortest of the seventeen acquitted, or that of the nine, against whom no charge was adduced; there were three, who, after being about seven months in prison, were then discharged, whilst various convicted felons suffered six sevenths only of the punishment, including the time before trial as well as after condemnation. By the returns from the Lent Assizes at Chelmsford, the same year, the cases were not less striking than those of Maidstone: the total number was one hundred and sixty-six; of these, twenty-five were in prison before the 1st of October, of whom eleven were acquitted, and of these eleven, six were discharged without any indictment preferred; two were in prison eight months; three, seven months and fifteen days; three, six months and fifteen days. On the other hand, sixteen convicted of felony were considered to be sufficiently punished by imprisonment under six months. Upon the whole, it appeared that four hundred and five persons had been in jail before the 1st of October, whilst eight hundred convicted felons were sentenced to a lighter punishment, to a shorter duration of imprisonment, than these four hundred and five had actually undergone.

'It is a curious fact that upon an average, more than one third of the total number committed for trial are acquitted. In the seven years ending 1819, seventy-two thousand two hundred and sixteen persons were committed; of these, fourteen thousand two hundred and ninety-one were acquitted on trial, eleven thousand two hundred and seventy-four were discharged, there being no prosecutions, or no bills found against them. This large proportion of acquittals aggravates the evil and injustice of long confinement before trial; but were it otherwise, what possible right can we have to detain a man in custody six months, upon any charge exhibited against him, before he is brought to trial? What excuse or palliation can be found for so barbarous a violation of all the principles of justice and humanity? How contemptible it is, by way of defence, to talk of the inexpediency of increasing the number of the judges, the expense, inconvenience, trouble, &c.! It is wrong to contend with such arguments against the unanswerable claims of justice, as it is only to admit they are entitled to weight. The fact is, we are so completely under the influence of habitual respect for established practice, that we do not stop to question the possibility of the existence of any serious defects in the administration of the law that can be capable of remedy. The public attention has never been earnestly and steadily fixed and devoted to the attainment of a better system.' — *Western*, pp. 80—83.

The public cannot be too grateful to Mr. Western for his labours on this subject. We strongly recommend his Tract for general circulation. It is full of stout good sense, without one particle of nonsense or fanaticism;—good English stuff, of the most improved and best sort. Lord Londonderry has assented to the measure; and his assent does him and the Government very great credit. It is a measure of first-rate importance. The multiplicity of imprisonments is truly awful.

Within the distance of ten miles round London, thirty-one fairs are annually held, which continue eighty days within the space of seven months. The effect of these fairs, in filling the prisons of the metropolis, it is easy to imagine; and the topic is very wisely and properly brought forward by the Society.

Nothing can be so absurd as the reasoning used about *flash houses*. They are suffered to exist, it seems, be-

cause it is easy to the officers of justice to find, in such places, the prisoners of whom they are in search! But the very place where the thief is found is most probably the place which made him a thief. If it facilitate the search, it creates the necessity for searching, and multiplies guilt while it promotes detection. Wherever thieves are known to haunt, that place should be instantly purged of thieves.

We have pushed this article to a length which will prevent us from dwelling upon that part of the plan of the Prison Society which embraces the reformation of juvenile delinquents, of whom, it is calculated, there are not less than 8000 in London who gain their livelihood by thieving. To this subject we may perhaps refer in some future number. We must content ourselves at present with a glimpse at the youthful criminals of the metropolis.

'Upon a late occasion (in company with Mr. Samuel Hoare, the Chairman of the Society for the Reform of Juvenile Delinquents), I visited, about midnight, many of those receptacles of thieves which abound in this metropolis. We selected the night of that day in which an execution had taken place; and our object was, to ascertain whether that terrible demonstration of rigour could operate even a short suspension of iniquity, and keep for a single night the votaries of crime from their accustomed orgies. In one room, I recollect, we found a large number of children of both sexes, the oldest under eighteen years of age, and in the centre of these a man who had been described to me by the Police as one of the largest sellers of forged Bank-notes. At another part, we were shown a number of buildings, into which only children were allowed to enter, and in which, if you could obtain admission, which you cannot, you would see scenes of the most flagrant, the most public, and the most shocking debauchery. Have I not, then, a right to say, that you are growing crimes at a terrible rate, and producing those miscreants who are to disturb the public peace, plunder the public property, and to become the scourge and disgrace of the country?'—*Buxton*, pp. 66, 67.

Houses dedicated to the debauchery of children, where it is impossible to enter!!! Whence comes this impossibility?

To show that their labours are not needlessly continued, the Society make the following statement of the present state of prisons: —

'But although these considerations are highly encouraging, there is yet much to accomplish in this work of national improvement. So extensive are the defects of classification, that in thirty jails, constructed for the confinement of 2985 persons, there were, at one time in the last year, no fewer than 5837 prisoners; and the whole number imprisoned in those jails, during that period, amounted to 26,703. There are yet prisons where idleness and its attendant evils reign unrestrained — where the sexes are not separated — where all distinctions of crime are confounded — where few can enter, if uncorrupted, without pollution; and, if guilty, without incurring deeper stains of criminality. — There are yet prisons which receive not the pious visits of a Christian minister — which the light of knowledge never enters—and where the truths and consolations of the Gospel are never heard. — There are yet prisons where, for the security of the prisoners, measures are resorted to as revolting to British feeling as they are repugnant to the spirit and letter of English law.' — *Report*, pp. 63, 64.

With this statement we take our leave of the subject of prisons, thoroughly convinced that, since the days of their cleanliness and salubrity, they have been so managed as to become the great school for crimes and wretchedness; and that the public, though beginning to awake, are not yet sufficiently aware of this fact, and sufficiently alarmed at it. Mrs. Fry is an amiable excellent woman, and ten thousand times better than the infamous neglect that preceded her; but hers is not the method to stop crimes. In prisons which are really meant to keep the multitude in order, and to be a terror to evil doers, there must be no sharing of profits — no visiting of friends — no education but religious education — no freedom of diet — no weavers' looms or carpenters' benches. There must be a great deal of solitude; coarse food; a dress of shame; hard, incessant, irksome, eternal labour; a planned and regulated and unrelenting exclusion of happiness and comfort.

PERSECUTING BISHOPS. (E. Review, 1822.)

1. *An Appeal to the Legislature and Public; or, the Legality of the Eighty-Seven Questions proposed by Dr. Herbert Marsh, the Bishop of Peterborough, to Candidates for Holy Orders, and for Licences, within that Diocese, considered.* 2d Edition. London, Seely, 1821.

2. *A Speech, delivered in the House of Lords, on Friday, June 7. 1822, by Herbert, Lord Bishop of Peterborough, on the Presentation of a Petition against his Examination Questions; with Explanatory Notes, a Supplement, and a Copy of the Questions.* London, Rivington, 1822.

3. *The Wrongs of the Clergy of the Diocese of Peterborough stated and illustrated.* By the Rev. T. S. Grimshawe, M.A., Rector of Burton, Northamptonshire; and Vicar of Biddenham, Bedfordshire. London, Seely, 1822.

4. *Episcopal Innovation; or, the Test of Modern Orthodoxy, in Eighty-Seven Questions, imposed, as Articles of Faith, upon Candidates for Licences and for Holy Orders, in the Diocese of Peterborough; with a Distinct Answer to each Question, and General Reflections relative to their Illegal Structure and Pernicious Tendency.* London, Seely, 1820.

5. *Official Correspondence between the Right Reverend Herbert Lord Bishop of Peterborough and the Rev. John Green, respecting his Nomination to the Curacy of Blatherwycke, in the Diocese of Peterborough, and County of Northampton: Also, between His Grace Charles Lord Archbishop of Canterbury and the Rev. Henry William Nevile, M.A., Rector of Blatherwycke, and of Cottesmore in the County of Rutland.* 1821.

It is a great point in any question to clear away encumbrances, and to make a naked circle about the object in dispute, so that there may be a clear view of it on every side. In pursuance of this disencumbering process, we shall first acquit the Bishop of all wrong intentions. He has a very bad opinion of the practical effects of high Calvinistic doctrines upon the common people; and he thinks it his duty to exclude those clergymen

who profess them from his diocese. There is no moral wrong in this. He has accordingly devised no fewer than *eighty-seven* interrogatories, by which he thinks he can detect the smallest taint of Calvinism that may lurk in the creed of the candidate; and in this also, whatever we may think of his reasoning, we suppose his purpose to be blameless. He believes, finally, that he has legally the power so to interrogate and exclude; and in this perhaps he is not mistaken. His intentions, then, are good, and his conduct, perhaps, not amenable to the law. All this we admit in his favour: but against him we must maintain, that his conduct upon the points in dispute has been singularly injudicious, extremely harsh, and, in its effects (though not in its intentions), very oppressive and vexatious to the Clergy.

We have no sort of intention to avail ourselves of an anonymous publication to say unkind, uncivil, or disrespectful things to a man of rank, learning, and character —we hope to be guilty of no such impropriety; but we cannot believe we are doing wrong in ranging ourselves on the weaker side, in the cause of propriety and justice. The Mitre protects its wearer from indignity; but it does not secure impunity.

It is a strong presumption that a man is wrong, when all his friends, whose habits naturally lead them to coincide with him, think him wrong. If a man were to indulge in taking medicine till the apothecary, the druggist, and the physician, all called upon him to abandon his philocathartic propensities—if he were to gratify his convivial habits till the landlord demurred and the waiter shook his head—we should naturally imagine that advice so wholly disinterested was not given before it was wanted, and that it merited some little attention and respect. Now, though the Bench of Bishops certainly love power, and love the Church, as well as the Bishop of Peterborough, yet not one defended him—not one rose to say, "I have done, or I would do, the same thing." It was impossible to be present at the last debate on this question, without per-

ceiving that his Lordship stood alone—and this in a very gregarious profession, that habitually combines and butts against an opponent with a very extended front. If a lawyer is wounded, the rest of the profession pursue him, and put him to death. If a churchman is hurt, the others gather round for his protection, stamp with their feet, push with their horns, and demolish the dissenter who did the mischief.

The Bishop has at least done a very unusual thing in his Eighty-seven Questions. The two Archbishops, and we believe every other Bishop, and all the Irish hierarchy, admit curates into their dioceses without any such precautions. The necessity of such severe and scrupulous inquisition, in short, has been apparent to nobody but the Bishop of Peterborough; and the authorities by which he seeks to justify it are any thing but satisfactory. His Lordship states, that forty years ago he was himself examined by written interrogatories, and that he is not the only Bishop who has done it; but he mentions no names; and it was hardly worth while to state such extremely slight precedents for so strong a deviation from the common practice of the Church.

The Bishop who rejects a curate upon the Eighty-seven Questions is necessarily and inevitably opposed to the Bishop who ordained him. The Bishop of Gloucester ordains a young man of twenty-three years of age, not thinking it necessary to put to him these interrogatories, or putting them, perhaps, and approving of answers diametrically opposite to those that are required by the Bishop of Peterborough. The young clergyman then comes to the last-mentioned Bishop; and the Bishop, after *putting him to the Question*, says, "You are unfit for a clergyman,"—though, ten days before, the Bishop of Gloucester has made him one! It is bad enough for ladies to pull caps, but still worse for Bishops to pull mitres. Nothing can be more mischievous or indecent than such scenes; and no man of common prudence, or knowledge of the world, but must see that they ought immediately to be put a stop to. If a man is a captain in the army in one part of England,

he is a captain in all. The general who commands north of the Tweed does not say, You shall never appear in my district, or exercise the functions of an officer, if you do not answer eighty-seven questions on the art of war, according to my notions. The same officer who commands a ship of the line in the Mediterranean, is considered as equal to the same office in the North Seas. The sixth commandment is suspended, by one medical diploma, from the north of England to the south. But, by this new system of interrogation, a man may be admitted into orders at Barnet, rejected at Stevenage, readmitted at Brogden, kicked out as a Calvinist at Witham Common, and hailed as an ardent Arminian on his arrival at York.

It matters nothing to say that sacred things must not be compared with profane. In their importance, we allow, they cannot; but in their order and discipline they may be so far compared as to say, that the discrepancy and contention which would be disgraceful and pernicious in worldly affairs, should, in common prudence, be avoided in the affairs of religion. Mr. Greenough has made a map of England, according to its geological varieties;—blue for the chalk, green for the clay, red for the sand, and so forth. Under this system of Bishop Marsh, we must petition for the assistance of the geologist in the fabrication of an ecclesiastical map. All the Arminian districts must be purple. Green for one theological extremity — sky-blue for another — as many colours as there are Bishops — as many shades of these colours as there are Archdeacons — a tailor's pattern card — the picture of vanity, fashion, and caprice!

The Bishop seems surprised at the resistance he meets with; and yet, to what purpose has he read ecclesiastical history, if he expect to meet with any thing but the most determined opposition? Does he think that every sturdy supralapsarian bullock whom he tries to sacrifice to the Genius of Orthodoxy, will not kick, and push, and toss; that he will not, if he *can*, shake the axe from his neck, and hurl his mitred butcher into the

air? His Lordship has undertaken a task of which he little knows the labour or the end. We know these men fully as well as the Bishop; he has not a chance of success against them. If one motion in Parliament will not do, they will have twenty. They will ravage, roar, and rush, till the very chaplains, and the Masters and Misses Peterborough request his Lordship to desist. He is raising up a storm in the English Church of which he has not the slightest conception; and which will end, as it ought to end, in his Lordship's disgrace and defeat.

The longer we live, the more we are convinced of the justice of the old saying, that an *ounce of mother wit is worth a pound of clergy;* that discretion, gentle manners, common sense, and good nature, are, in men of high ecclesiastical station, of far greater importance than the greatest skill in discriminating between sublapsarian and supralapsarian doctrines. Bishop Marsh should remember, that all men wearing the mitre work by character, as well as doctrine; that a tender regard to men's rights and feelings, a desire to avoid sacred squabbles, a fondness for quiet, and an ardent wish to make every body happy, would be of far more value to the Church of England than all his learning and vigilance of inquisition. The Irish Tithes will probably fall next session of Parliament; the common people are regularly receding from the Church of England — baptizing, burying, and confirming for themselves. Under such circumstances, what would the worst enemy of the English Church require? — a bitter, bustling, theological Bishop, accused by his clergy of tyranny and oppression — the cause of daily petitions and daily debates in the House of Commons — the idoneous vehicle of abuse against the Establishment — a stalking-horse to bad men for the introduction of revolutionary opinions, mischievous ridicule, and irreligious feelings. Such will be the advantages which Bishop Marsh will secure for the English Establishment in the ensuing session. It is inconceivable how such a prelate shakes all the upper works of the Church, and ripens it for dissolution and

decay. Six such Bishops, multiplied by eighty-seven, and working with five hundred and twenty-two questions, would fetch every thing to the ground in less than six months. But what if it pleased Divine Providence to afflict every prelate with the spirit of putting eighty-seven queries, and the two Archbishops with the spirit of putting twice as many, and the Bishop of Sodor and Man with the spirit of putting only forty-three queries? — there would then be a grand total of two thousand three hundred and thirty-five interrogations flying about the English Church; and sorely vexed would the land be with Question and Answer.

We will suppose this learned Prelate, without meanness or undue regard to his worldly interests, to feel that fair desire of rising in his profession, which any man, in any profession, may feel without disgrace. Does he forget that his character in the ministerial circles will soon become that of a violent impracticable man — whom it is impossible to place in the highest situations — who has been trusted with too much already, and must be trusted with no more? Ministers have something else to do with their time, and with the time of Parliament, than to waste them in debating squabbles between Bishops and their clergy. They naturally wish, and, on the whole, reasonably expect, that every thing should go on silently and quietly in the Church. They have no objection to a learned Bishop; but they deprecate one atom more of learning than is compatible with moderation, good sense, and the soundest discretion. It must be the grossest ignorance of the world to suppose that the Cabinet has any pleasure in watching Calvinists.

The Bishop not only puts the questions, but he actually assigns the limits within which they are to be answered. Spaces are left in the paper of interrogations, to which limits the answer is to be confined; — two inches to original sin: an inch and a half to justification; three quarters to predestination; and to free-will only a quarter of an inch. But if his Lordship gives them an inch, they will take an ell. His Lordship is

himself a theological writer, and by no means remarkable for his conciseness. To deny space to his brother theologians, who are writing on the most difficult subjects, not from choice, but necessity; not for fame, but for bread; and to award rejection as the penalty of prolixity does appear to us no slight deviation from Christian gentleness. The tyranny of calling for such short answers is very strikingly pointed out in a letter from Mr. Thurtell to the Bishop of Peterborough; the style of which pleads, we think, very powerfully in favour of the writer.

'*Beccles, Suffolk, August 28th*, 1821.

'My Lord,

'I ought, in the first place, to apologise for delaying so long to answer your Lordship's letter: but the difficulty in which I was involved, by receiving another copy of your Lordship's Questions, with positive directions to give short answers, may be sufficient to account for that delay.

'It is my sincere desire to meet your Lordship's wishes, and to obey your Lordship's directions in every particular; and I would therefore immediately have returned answers, without any "restrictions or modifications," to the Questions which your Lordship has thought fit to send me, if, in so doing, I could have discharged the obligations of my conscience, by showing what my opinions really are. But it appears to me, that the Questions proposed to me by your Lordship are so constructed as to elicit only two sets of opinions; and that, by answering them in so concise a manner, I should be representing myself to your Lordship as one who believes in either of two particular creeds, to neither of which I do *really* subscribe. For instance, to answer Question I. chap. ii. in the manner your Lordship desires, I am reduced to the alternative of declaring, either that "mankind are a mass of *mere* corruption," which expresses more than I intend, or of leaving room for the inference, that they are only *partially* corrupt, which is opposed to the plainest declarations of the Homilies; such as these, "Man is *altogether* spotted and defiled" (Hom. on Nat.), "without a *spark* of goodness in him" (Serm. on Mis. of Man, &c.).

'Again, by answering the Questions comprised in the chapter on "Free Will," according to your Lordship's directions, I am compelled to acknowledge, either that man has such a share in the work of his own salvation as to exclude the *sole* agency of

God, or that he has no share whatever; when the Homilies for Rogation Week and Witsunday positively declare, that God is the "only Worker," or, in other words, *sole* Agent; and at the same time assign to man a certain share in the work of his own salvation. In short, I could, with your Lordship's permission, point out twenty Questions, involving doctrines of the utmost importance, which I am unable to answer, so as to convey my real sentiments, without more room for explanation than the printed sheet affords.

'In this view of the subject, therefore, and in the most deliberate exercise of my judgment, I deem it indispensable to my acting with that candour and truth with which it is my wish and duty to act, and with which I cannot but believe your Lordship desires I should act, to state my opinions in that language which expresses them most fully, plainly, and unreservedly. This I have endeavoured to do in the answers now in the possession of your Lordship. If any further explanation be required, I am most willing to give it, even to a minuteness of opinion beyond what the Articles require. At the same time, I would humbly and respectfully appeal to your Lordship's candour, *whether it is not hard to demand my decided opinion upon points which have been the themes of volumes; upon which the most pious and learned men of the Church have conscientiously differed; and upon which the Articles, in the judgment of Bishop Burnet, have pronounced no definite sentence.* To those Articles, my Lord, I have already subscribed; and I am willing again to subscribe to every one of them, "in its literal and grammatical sense," according to His Majesty's declaration prefixed to them.

'I hope, therefore, in consideration of the above statement, that your Lordship will not compel me, by the conciseness of my answers, to assent to doctrines which I do not believe, or to expose myself to inferences which do not fairly and legitimately follow from my opinions.

'I am, my Lord, &c. &c.'

We are not much acquainted with the practices of courts of justice; but, if we remember right, when a man is going to be hanged, the judge lets him make his defence in his own way, without complaining of its length. We should think a Christian Bishop might be equally indulgent to a man who is going to be ruined. The answers are required to be clear, concise, and correct —short, plain, and positive. In other words, a poor

curate, extremely agitated at the idea of losing his livelihood, is required to write with brevity and perspicuity on the following subjects: — Redemption by Jesus Christ — Original Sin — Free Will — Justification — Justification in reference to its causes — Justification in reference to the time when it takes place — Everlasting Salvation — Predestination — Regeneration on the New Birth — Renovation, and the Holy Trinity. As a specimen of these questions, the answer to which is required to be so brief and clear, we shall insert the following quotation: —

'*Section II.— Of Justification, in reference to its cause.*

'1. Does not the eleventh Article declare, that we are "justified by Faith *only?*"

'2. Does not the expression "Faith only" derive additional strength from the negative expression in the same Article "and *not* for our own works?"

'3. Does not therefore the eleventh Article *exclude* good works from all share in the office of Justifying? Or can we so construe the term "Faith" in that Article, as to make it *include* good works?

'4. Do not the twelfth and thirteenth Articles *further* exclude them, the one by asserting that good works *follow after* Justification, the other by maintaining that they *cannot precede* it?

'5. Can that which never precedes an effect be reckoned among the *causes* of that effect?

'6. Can we then, consistently with our Articles, reckon the performance of good works among the *causes* of Justification, whatever qualifying epithet be used with the term *cause?*'

We entirely deny that the Calvinistical Clergy are bad members of their profession. We maintain that as many instances of good, serious, and pious men — of persons zealously interesting themselves in the temporal and spiritual welfare of their parishioners, are to be found among them, as among the clergy who put an opposite interpretation on the Articles. The Articles of Religion are older than Arminianism, *eo nomine.* The early reformers leant to Calvinism; and would, to a

man, have answered the Bishop's questions in a way which would have induced him to refuse them ordination and curacies; and those who drew up the Thirty-nine Articles, if they had not prudently avoided all precise interpretation of their Creed on free will, necessity, absolute decrees, original sin, reprobation and election, would have, in all probability, given an interpretation of them like that which the Bishop considers as a disqualification for Holy Orders. Laud's Lambeth Articles were illegal, mischievous, and are generally condemned. The Irish Clergy in 1641 drew up one hundred and four articles as the creed of their Church; and these are Calvinistic and not Arminian. They were approved and signed by Usher, and never abjured by him; though dropt as a test or qualification. Usher was promoted (even in the days of Arminianism) to bishoprics and archbishoprics—so little did a Calvinistic interpretation of the Articles in a man's own breast, or even an avowal of Calvinism beyond what was required by the Articles, operate even then as a disqualification for the cure of souls, or any other office in the Church. Throughout Charles II. and William III.'s time, the best men and greatest names of the Church not only allowed latitude in interpreting the Articles, but thought it would be wise to diminish their number, and render them more lax than they are; and be it observed, that these latitudinarians leant to Arminianism rather than to high Calvinism; and thought, consequently, that the Articles, if objectionable at all, were exposed to the censure of being 'too Calvinistic,' rather than too Arminian. How preposterous, therefore, to twist them, and the subscription to them required by law, by the machinery of a long string of explanatory questions, into a barrier against Calvinists, and to give the Arminians a monopoly in the Church!

Archbishop Wake, in 1716, after consulting all the Bishops then attending Parliament, thought it incumbent on him '*to employ the authority which the ecclesiastical laws then in force, and the custom and laws of the realm vested in him*,' in taking care that '*no unworthy person*

might hereafter be admitted into the sacred Ministry of the Church;' and he drew up twelve recommendations to the Bishops of England, in which he earnestly exhorts them not to ordain persons of bad conduct or character, or incompetent learning; but he does not require from the candidates for Holy Orders or preferment any explanation whatever of the Articles which they had signed.

The Correspondence of the same eminent Prelate with Professor Turretin in 1718, and with Mr. Le Clerc and the Pastors and Professors of Geneva in 1719, printed in London, 1782, recommends union among Protestants, and the omission of controverted points in Confessions of Faith, as a means of obtaining that union; and a constant reference to the practice of the Church of England is made, in elucidation of the charity and wisdom of such policy. Speaking of men who act upon a contrary principle he says, *O quantum potuit insana φιλαντια!*

These passages, we think, are conclusive evidence of the practice of the Church till 1719. For Wake was not only at the time Archbishop of Canterbury, but both in his circular recommendations to the Bishops of England, and in his correspondence with foreign Churches, was acting in the capacity of metropolitan of the Anglican Church. He, a man of prudence and learning, publicly boasts to Protestant Europe, that his Church does *not* exact, and that he *de facto* has never avowed, and never will, his opinions on those very points upon which Bishop Marsh obliges every poor curate to be explicit, upon pain of expulsion from the Church.

It is clear, then, the practice was, to extract subscription and nothing else, as the test of orthodoxy — to that Wake is an evidence. As far as he is authority on a point of opinion, it is his conviction that this practice was wholesome, wise, and intended to preserve peace in the Church; that it would be wrong at least, if not illegal, to do otherwise; and that the observance of this forbearance is the only method of preventing schism. The Bishop of Peterborough, however, is of a different opinion; he is so thoroughly convinced of the pernicious

effects of Calvinistic doctrines, that he does what no other Bishop does, or ever did do, for their exclusion. This may be either wise or injudicious, but it is at least zealous and bold; it is to encounter rebuke, and opposition, from a sense of duty. It is impossible to deny this merit to his Lordship. And we have no doubt, that, in pursuance of the same theological gallantry, he is preparing a set of interrogatories for those clergymen who are presented to benefices in his diocese. The patron will have his action of *Quare impedit*, it is true; and the judge and jury will decide whether the Bishop has the right of interrogation at all; and whether Calvinistical answers to his interrogatories disqualify any man from holding preferment in the Church of England. If either of these points are given against the Bishop of Peterborough, he is in honour and conscience bound to give up his examination of curates. If Calvinistic ministers are, in the estimation of the Bishops, so dangerous as curates, they are of course much more dangerous as rectors and vicars. He has as much right to examine one as the other. Why then does he pass over the greater danger, and guard against the less? Why does he not show his zeal when he would run some risk, and where the excluded person (if excluded unjustly) could appeal to the laws of his country? If his conduct be just and right, has he any thing to fear from that appeal? What should we say of a police officer who acted in all cases of petty larceny, where no opposition was made, and let off all persons guilty of felony who threatened to knock him down? If the Bishop value his own character, he is bound to do less, — or to do more. God send his choice may be right! The law, as it stands at present, certainly affords very unequal protection to rector and to curate; but if the Bishop will not act so as to improve the law, the law must be so changed as to improve the Bishop; an action of *Quare impedit* must be given to the curate also — and then the fury of interrogation will be calmed.

We are aware that the Bishop of Peterborough, in his speech, disclaims the object of excluding the Calvinists

by this system of interrogation. We shall take no other notice of his disavowal, than expressing our sincere regret that he ever made it; but the question is not at all altered by the intention of the interrogator. Whether he aim at the Calvinists only, or includes them with other heterodox respondents — the fact is, they *are* included in the proscription, and excluded from the Church, the practical effect of the practice being, that men are driven out of the Church who have as much right to exercise the duties of clergymen as the Bishop himself. If heterodox opinions are the great objects of the Bishop's apprehensions, he has his Ecclesiastical Courts, where regular process may bring the offender to punishment, and from whence there is an appeal to higher courts. This would be the fair thing to do. The Curate and the Bishop would be brought into the light of day, and subjected to the wholesome restraint of public opinion.

His Lordship boasts, that he has excluded only two curates. So the Emperor of Hayti boasted that he had only cut off two persons' heads for disagreeable behaviour at his table. In spite of the paucity of the visiters executed, the example operated as a considerable impediment to conversation; and the intensity of the punishment was found to be a full compensation for its rarity. How many persons have been deprived of curacies which they might have enjoyed, but for the tenour of these interrogatories? How many respectable clergymen have been deprived of the assistance of curates connected with them by blood, friendship, or doctrine, and compelled to choose persons for no other qualification than that they could pass through the eye of the Bishop's needle? Violent measures are not to be judged of merely by the number of times they have been resorted to, but by the terror, misery, and restraint which the severity is likely to have produced.

We never met with any style so entirely clear of all redundant and vicious ornament, as that which the ecclesiastical Lord of Peterborough has adopted towards his clergy. It, in fact, may be all reduced to these

few words—'Reverend Sir, I shall do what I please. Peterborough.'—Even in the House of Lords, he speaks what we must call very plain language. Among other things, he says, that the allegations of the petitions are *false*. Now, as every Bishop is, besides his other qualities, a gentleman; and as the word *false* is used only by laymen who mean to hazard their lives by the expression; and as it cannot be supposed that foul language is ever used because it can be used with personal impunity, his Lordship must therefore be intended to mean not *false*, but *mistaken*—not a wilful deviation from truth, but an accidental and unintended departure from it.

His Lordship talks of the drudgery of wading through ten pages of answers to his eighty-seven questions. Who has occasioned this drudgery, but the person who means to be so much more active, useful, and important, than all other Bishops, by proposing questions which nobody has thought to be necessary but himself? But to be intolerably strict and harsh to a poor curate, who is trying to earn a morsel of hard bread, and then to complain of the drudgery of reading his answers, is much like knocking a man down with a bludgeon, and then abusing him for splashing you with his blood, and pestering you with his groans. It is quite monstrous, that a man who inflicts eighty-seven new questions in Theology upon his fellow-creatures, should talk of the drudgery of reading their answers.

A Curate—there is something which excites compassion in the very name of a Curate!!! How any man of Purple, Palaces, and Preferment, can let himself loose against this poor working man of God, we are at a loss to conceive,—a learned man in an hovel, with sermons and saucepans, lexicons and bacon, Hebrew books and ragged children—good and patient—a comforter and a preacher—the first and purest pauper in the hamlet, and yet showing, that, in the midst of his worldly misery, he has the heart of a gentleman, and the spirit of a Christian, and the kindness of a pastor; and this man, though he has exercised the duties of a

clergyman for twenty years—though he has most ample testimonies of conduct from clergymen as respectable as any Bishop—though an Archbishop add his name to the list of witnesses, is not good enough for Bishop Marsh; but is pushed out in the street, with his wife and children, and his little furniture, to surrender his honour, his faith, his conscience, and his learning—or to starve!

An obvious objection to these innovations is, that there can be no end to them. If eighty-three questions are assumed to be necessary by one Bishop, eight hundred may be considered as the minimum of interrogation by another. When once the ancient faith marks of the Church are lost sight of and despised, any misled theologian may launch out on the boundless sea of polemical vexation.

The Bishop of Peterborough is positive, that the Arminian interpretation of the Articles is the right interpretation, and that Calvinists should be excluded from it; but the country gentlemen who are to hear these matters debated in the Lower House, are to remember, that other Bishops have written upon these points before the Bishop of Peterborough, and have arrived at conclusions diametrically opposite. When curates are excluded because their answers are Calvinistical, a careless layman might imagine that this interpretation of the Articles had never been heard of before in the Church—that it was a gross and palpable perversion of their sense, which had been scouted by all writers on Church matters, from the day the Articles were promulgated, to this hour—that such an unheard of monster as a Calvinistical Curate had never leapt over the pale before, and been detected browsing in the sacred pastures.

The following is the testimony of Bishop Sherlock:—

'"The Church has left a latitude of sense to prevent schisms and breaches upon every different opinion. It is evident the Church of England has so done in some Articles, which are most liable to the hottest disputes; which yet are penned with that temper as to be willingly subscribed by men of different

apprehensions in those matters." '— SHERLOCK's *Defence of Stillingfleet's Unreasonableness of Separation.*

Bishop Cleaver, describing the difficulties attending so great an undertaking as the formation of a national creed, observes:—

' "These difficulties, however, do not seem to have discouraged the great leaders in this work from forming a design as wise as it was liberal, that of framing a confession, which, in the enumeration and method of its several articles, should meet the approbation, and engage the consent, of the whole reformed world.

' "If upon trial it was found that a comprehension so extensive could not be reduced to practice, still as large a comprehension as could be contrived, within the narrower limits of the kingdom, became, for the same reasons which first suggested the idea, at once an object of prudence and duty, in the formation and government of the English Church."

' After dwelling on the means necessary to accomplish this object, the Bishop proceeds to remark:—"Such evidently appears to have been the origin, and such the actual complexion of the confession comprised in the Articles of our Church; *the true scope and design of which will not, I conceive, be correctly apprehended in any other view than that of one drawn up and adjusted with an intention to comprehend the assent of all, rather than to exclude that of any who concurred in the necessity of a reformation.*

' "The means of comprehension intended were, not any general ambiguity or equivocation of terms, *but a prudent forbearance in all parties not to insist on the full extent of their opinions in matters not essential or fundamental; and in all cases to waive, as much as possible, tenets which might divide, where they wish to unite.*" ' Remarks on the Design and Formation of the Articles of the Church of England, by WILLIAM, Lord Bishop of Bangor, 1802.—pp. 23—25.

We will finish with Bishop Horsley.

' It has been the fashion of late to talk about Arminianism as the system of the Church of England, and of Calvinism as something opposite to it, to which the Church is hostile. That I may not be misunderstood in what I have stated, or may have occasion further to say upon this subject, I must here declare, that I use the words Arminianism and Calvinism in that restricted sense in which they are now generally taken, to denote the doctrinal part of each system, as unconnected with the prin-

ciples either of Arminians or Calvinists upon Church discipline and Church government. This being premised, I assert, what I often have before asserted, and by God's grace I will persist in the assertion to my dying day, that so far is it from the truth that the Church of England is decidedly Arminian, and hostile to Calvinism, that the truth is this, *that upon the principal points in dispute between the Arminians and the Calvinists—upon all the points of doctrine characteristic of the two sects, the Church of England maintains an absolute neutrality; her Articles explicitly assert nothing but what is believed both by Arminians and by Calvinists.* The Calvinists indeed hold some opinions relative to the same points, which the Church of England has not gone the length of asserting in her Articles; but neither has she gone the length of explicitly contradicting those opinions; insomuch, that *there is nothing to hinder the Arminian and the highest supralapsarian Calvinist from walking together in the Church of England and Ireland as friends and brothers, if they both approve the discipline of the Church, and both are willing to submit to it.* Her discipline has been approved; it has been submitted to; it has been in former times most ably and zealously defended by the highest supralapsarian Calvinists. Such was the great Usher; such was Whitgift; such were many more, burning and shining lights of our Church in her early days (when first she shook off the Papal tyranny), long since gone to the resting-place of the spirits of the just. — *Bishop* HORSLEY's *Charges*, p. 216.'—pp. 25, 26.

So that these unhappy Curates are turned out of their bread for an exposition of the Articles which such men as Sherlock, Cleaver, and Horsley think may be fairly given of their meaning. We do not quote their authority, to show that the right interpretation is decided, but that it is doubtful—that there is a balance of authorities—that the opinion which Bishop Marsh has punished with poverty and degradation, has been considered to be legitimate, by men at least as wise and learned as himself. In fact, it is to us perfectly clear, that the Articles were originally framed to prevent the very practices which Bishop Marsh has used for their protection—they were purposely so worded, that Arminians and Calvinists could sign them without blame. They were intended to combine both these descriptions of Protestants, and were meant principally for a bulwark against the Catholics.

'Thus,' says Bishop Burnet, 'was the doctrine of the Church cast into a short and plain form; in which they took care both to establish the positive articles of religion, and to cut off the errors formerly introduced in the time of Popery, or of late broached by the Anabaptists and enthusiasts of Germany; *avoiding the niceties of schoolmen, or the peremptoriness of the writers of controversy; leaving in matters that are more justly controvertible, a liberty to divines to follow their private opinions without thereby disturbing the peace of the Church.*' — History of the Reformation, Book I. part ii. p. 168. folio edition.

The next authority is that of Fuller.

'In the Convocation now sitting, wherein Alexander Nowel, Dean of St. Paul's, was Prolocutor, the nine-and-thirty Articles were composed. For the main they agree with those set forth in the reign of King Edward the Sixth, though in some particulars allowing more liberty to dissenting judgments. For instance, in this King's Articles it is said, that it is to be believed that Christ went down to hell (to preach to the spirits there); which last clause is left out in these Articles, and men left to a latitude concerning the cause, time, and manner of his descent.

'Hence some have unjustly taxed the composers for too much favour extended in their large expressions, clean through the contexture of these Articles, which should have tied men's consciences up closer, in more strict and particularising propositions, *which indeed proceeded from their commendable moderation.* Children's clothes ought to be made of the biggest, because afterwards their bodies will grow up to their garments. Thus the Articles of this English Protestant Church, in the infancy thereof, they thought good to draw up in general terms, foreseeing that posterity would grow up to fill the same: I mean these holy men did prudently prediscover, that differences in judgments would unavoidably happen in the Church, *and were loath to unchurch any, and drive them off from an ecclesiastical communion, for such petty differences, which made them pen the Articles in comprehensive words, to take in all who, differing in the branches, meet in the root of the same religion.*

'Indeed most of them had formerly been sufferers themselves, and cannot be said, in compiling these Articles, (an acceptable service, no doubt,) to offer to God what cost them nothing, some having paid imprisonment, others exile, all losses in their estates, for this their experimental knowledge in religion, *which made them the more merciful and tender in stating those points,* seeing such who themselves have been most patient in bearing, will be

most pitiful in burdening the consciences of others.'—See FULLER's *Church History,* book ix. p. 72. folio edit.

But this generous and pacific spirit gives no room for the display of zeal and theological learning. The gate of admission has been left too widely open. I may as well be without power at all, if I cannot force my opinions upon other people. What was purposely left indefinite, I must make finite and exclusive. Questions of contention and difference must be laid before the servants of the Church, and nothing like neutrality in theological metaphysics allowed to the ministers of the Gospel. *I come not to bring peace,* &c.

The Bishop, however, seems to be quite satisfied with himself, when he states, that he has a *right to do* what he has done—just as if a man's character with his fellow creatures depended upon legal rights alone, and not upon a discreet exercise of those rights. A man may persevere in doing what he has a right to do, till the Chancellor shuts him up in Bedlam, or till the mob pelt him as he passes. It must be presumed, that all men whom the law has invested with rights, Nature has invested with common sense to use those rights. For these reasons, children have no rights till they have gained some common sense, and old men have no rights after they lose their common sense. All men are at all times accountable to their fellow creatures for the discreet exercise of every right they possess.

Prelates are fond of talking of *my* see, *my* clergy, *my* diocese, as if these things belonged to them, as their pigs and dogs belonged to them. They forget that the clergy, the diocese, and the Bishops themselves, all exist only for the public good; that the public are a third, and principal party in the whole concern. It is not simply the tormenting Bishop *versus* the tormented Curate, but the public against the system of tormenting; as tending to bring scandal upon religion and religious men. By the late alteration in the laws, the labourers in the vineyard are given up to the power of the inspectors of the vineyard. If he have the meanness and malice to do so, an inspector may worry and plague to

death any labourer against whom he may have conceived an antipathy. As often as such cases are detected, we believe they will meet, in either House of Parliament, with the severest reprehension. The noblemen and gentlemen of England will never allow their parish clergy to be treated with cruelty, injustice, and caprice, by men who were parish clergymen themselves yesterday, and who were trusted with power for very different purposes.

The Bishop of Peterborough complains of the insolence of the answers made to him. This is certainly not true of Mr. Grimshawe, Mr. Neville, or of the author of the Appeal. They have answered his Lordship with great force, great manliness, but with perfect respect. Does the Bishop expect that humble men, as learned as himself, are to be driven from their houses and homes by his new theology, and then to send him letters of thanks for the kicks and cuffs he has bestowed upon them? Men of very small incomes, be it known to his Lordship, have very often very acute feelings; and a Curate trod on feels a pang as great as when a Bishop is refuted.

We shall now give a specimen of some answers, which, we believe, would exclude a curate from the diocese of Peterborough, and contrast these answers with the Articles of the Church to which they refer. The 9th Article of the Church of England is upon Original Sin. Upon this point his Lordship puts the following question:—

'Did the fall of Adam produce such an effect on his posterity, that mankind became thereby a mass of mere corruption, or of absolute and entire depravity? Or is the effect only such, that we are very *far gone* from original righteousness, and of our own nature *inclined* to evil?'

Excluding Answer.

'The fall of Adam produced such an effect on his posterity, that mankind became thereby a mass of mere corruption, or of ab-

The Ninth Article.

'Original sin standeth not in the following of Adam (as the Pelagians do vainly talk); but it is the fault or corruption of the nature of every man, that naturally is engendered of the offspring of Adam, whereby man is very

solute and entire depravity.'

far gone from original righteousness, and is of his own nature inclined to evil, so that the flesh lusteth always contrary to the spirit; and therefore, in every person born into the world, it deserveth God's wrath and damnation.'

The 9th Question, Cap. 3d, on Free Will, is as follows:—Is it not contrary to Scripture to say, that man has no share in the work of his salvation?

Excluding Answer.

'It is quite agreeable to Scripture to say, that man has no share in the work of his own salvation.'

Tenth Article.

'The condition of man after the fall of Adam is such, that he cannot turn and prepare himself, by his own natural strength and good works, to faith, and calling upon God. Wherefore, we have no power to do good works pleasant and acceptable to God, without the grace of God by Christ preventing us, that we may have a good will, and working with us when we have that good will.'

On Redemption, his Lordship has the following question, Cap. 1st, Question 1st:—Did Christ die for all men, or did he die only for a chosen few?

Excluding Answer.

'Christ did not die for all men, but only for a chosen few.'

Part of Article Seventh.

"Predestination to life is the everlasting purpose of God, whereby (before the foundations of the world were laid) he hath constantly decreed by his counsel, secret to us, to deliver from curse and damnation those whom he hath chosen in Christ out of mankind, and to bring them by Christ unto everlasting salvation, as vessels made to honour.'

Now, whether these answers are right or wrong, we do not presume to decide; but we cannot help saying, there appears to be some little colour in the language of the Articles for the errors of the respondent. It does not appear at first sight to be such a deviation from the plain, literal, and grammatical sense of the Articles, as

to merit rapid and ignominious ejectment from the bosom of the Church.

Now we have done with the Bishop. We give him all he asks as to his legal right; and only contend, that he is acting a very indiscreet and injudicious part — fatal to his quiet — fatal to his reputation as a man of sense — blamed by Ministers — blamed by all the Bench of Bishops — vexatious to the Clergy, and highly injurious to the Church. We mean no personal disrespect to the Bishop; we are as ignorant of him as of his victims. We should have been heartily glad if the debate in Parliament had put an end to these blamable excesses; and our only object, in meddling with the question, is to restrain the arm of Power within the limits of moderation and justice — one of the great objects which first led to the establishment of this Journal, and which, we hope, will always continue to characterise its efforts.

BOTANY BAY. (E. Review, 1823.)

1. *Letter to Earl Bathurst*, by the Honourable H. Grey Bennet, M. P.
2. *Report of the Commissioner of Inquiry into the State of the Colony of New South Wales. Ordered by the House of Commons to be printed, 19th June, 1822.*

Mr. Bigge's Report is somewhat long, and a little clumsy; but it is altogether the production of an honest, sensible, and respectable man, who has done his duty to the public, and justified the expense of his mission to the fifth or pickpocket quarter of the globe.

What manner of man is Governor Macquarrie? — Is all that Mr. Bennet says of him in the House of Commons true? These are the questions which Lord Bathurst sent Mr. Bigge, and very properly sent him 28,000 miles to answer. The answer is, that Governor Macquarrie is not a dishonest man, nor a jobber; but arbitrary, in many things scandalously negligent, very often wrong-headed, and upon the whole, very deficient in that good sense, and vigorous understanding, which his new and arduous situation so manifestly requires.

Ornamental architecture in Botany Bay! How it could enter into the head of any human being to adorn public buildings at the Bay, or to aim at any other architectural purpose but the exclusion of wind and rain, we are utterly at a loss to conceive. Such an expense is not only lamentable for the waste of property it makes in the particular instance, but because it destroys that guarantee of sound sense which the Government at home must require in those who preside over distant colonies. A man who thinks of pillars and pilasters, when half the colony are wet through for want of any covering at all, cannot be a wise or prudent person. He seems to be ignorant, that the prevention of rheumatism in all young colonies is a much more important object than the gratification of taste, or the display of skill.

'I suggested to Governor Macquarrie the expediency of stopping all work then in progress that was merely of an ornamental nature, and of postponing its execution till other more important buildings were finished. With this view it was, that I recommended to the Governor to stop the progress of a large church, the foundation of which had been laid previous to my arrival, and which, by the estimate of Mr. Greenway the architect, would have required six years to complete. By a change that I recommended, and which the Governor adopted, in the destination of the new Court-house at Sydney, the accommodation of a new church is probably by this time secured. As I conceived that considerable advantage had been gained by inducing Governor Macquarrie to suspend the progress of the larger church, I did not deem it necessary to make any pointed objection to the addition of these ornamental parts of the smaller one; though I regretted to observe in this instance, as well as in those of the new stables at Sydney, the turnpike gate-house and the new fountain there, as well as in the repairs of an old church at Paramatta, how much more the embellishment of these places had been considered by the Governor than the real and pressing wants of the colony. The buildings that I had recommended to his early attention in Sydney were, a new gaol, a school-house, and a market-house. The defects of the first of these buildings will be more particularly pointed out when I come to describe the buildings that have been erected in New South Wales. It is sufficient for me now to observe, that they were striking, and of a nature not to be remedied by additions or repairs. The other two were in a state of absolute ruin; they were also of undeniable importance and necessity. Having left Sydney in the month of November, 1820, with these impressions, and with a belief that the suggestions I had made to Governor Macquarrie respecting them had been partly acted upon, and would continue to be so during my absence in Van Diemen's Land, it was not without much surprise and regret that I learnt, during my residence in that settlement, the resumption of the work at the large church in Sydney, and the steady continuation of the others that I had objected to, especially the Governor's stables at Sydney. I felt the greater surprise in receiving the information respecting this last-mentioned structure, during my absence in Van Diemen's Land, as the Governor himself had, upon many occasions, expressed to me his own regret at having ever sanctioned it, and his consciousness of its extravagant dimensions and ostentatious character.' — *Report*, pp. 51, 52.

One of the great difficulties in Botany Bay is to find proper employment for the great mass of convicts who are sent out. Governor Macquarrie selects all the best artisans, of every description, for the use of Government; and puts the poets, attornies, and politicians up to auction. The evil consequences of this are manifold. In the first place, from possessing so many of the best artificers, the Governor is necessarily turned into a builder; and immense drafts are drawn upon the Treasury at home, for buildings better adapted for Regent Street than the Bay. In the next place, the poor settler, finding that the convict attorney is very awkward at cutting timber, or catching kangaroos, soon returns him upon the hands of Government in a much worse plight than that in which he was received. Not only are governors thus debauched into useless and expensive builders, but the colonists who are scheming and planning with all the activity of new settlers, cannot find workmen to execute their designs.

What two ideas are more inseparable than Beer and Britannia?—what event more awfully important to an English colony, than the erection of its first brewhouse? —and yet it required, in Van Diemen's Land, the greatest solicitation to the Government, and all the influence of Mr. Bigge, to get it effected. The Government, having obtained possession of the best workmen, keep them; their manumission is much more infrequent than that of the useless and unprofitable convicts; in other words, one man is punished for his skill, and another rewarded for his inutility. Guilty of being a locksmith — guilty of stonemasonry, or brick-making; —these are the second verdicts brought in, in New South Wales; and upon them is regulated the duration or mitigation of punishment awarded in the mother-country. At the very period when the Governor assured Lord Bathurst, in his despatches, that he kept and employed so numerous a gang of workmen, only because the inhabitants could not employ them, Mr. Bigge informs us, that their services would have been most acceptable to the colonists. Most of the settlers,

at the time of Mr. Bigge's arrival, from repeated refusals and disappointments, had been so convinced of the impossibility of obtaining workmen, that they had ceased to make application to the Governor. Is it to be believed that a governor, placed over a land of convicts, and capable of guarding his limbs from any sudden collision with odometrous stones, or vertical posts of direction, should make no distinction between the simple convict and the double and treble convict — the man of three juries, who has three times appeared at the Bailey, trilarcenous — three times driven over the seas?

'I think it necessary to notice the want of attention that has prevailed, until a very late period, at Sydney, to the circumstances of those convicts who have been transported a second and a third time. Although the knowledge of these facts is transmitted in the hulk lists, or acquired without difficulty during the passage, it never has occurred to Governor Macquarrie or to the superintendent of convicts, to make any difference in the condition of these men, not even to disappoint the views they may be supposed to have indulged by the success of a criminal enterprise in England, and by transferring the fruits of it to New South Wales.

'To accomplish this very simple but important object, nothing more was necessary than to consign these men to any situation rather than that which their friends had selected for them, and distinctly to declare in the presence of their comrades at the first muster on their arrival, that no consideration or favour would be shown to those who had violated the law a second time, and that the mitigation of their sentences must be indefinitely postponed.' — *Report*, p. 19.

We were not a little amused at Governor Macquarrie's laureate—a regular Mr. Southey—who, upon the King's birth-day, sings the praises of Governor Macquarrie.* The case of this votary of Apollo and Mercury was a case for life; the offence a menacing epistle, or, as low people call it, a *threatening letter*. He has been pardoned, however — bursting his shackles, like Orpheus of old, with song and metre, and is well spoken of by Mr. Bigge, but no specimen of his poetry given. One of the best

* *Vide* Report, p. 146.

and most enlightened men in the settlement appears to be Mr. Marsden, a clergyman at Paramatta. Mr. Bennet represents him as a gentleman of great feeling, whose life is embittered by the scenes of horror and vice it is his lot to witness at Paramatta. Indeed he says of himself, that in consequence of these things, 'he does not enjoy one happy moment from the beginning to the end of the week!' This letter, at the time, produced a very considerable sensation in this country. The idea of a man of refinement and feeling wearing away his life in the midst of scenes of crime and debauchery to which he can apply no corrective, is certainly a very melancholy and affecting picture; but there is no story, however elegant and eloquent, which does not require, for the purposes of justice, to be turned to the other side, and viewed in reverse. The Rev. Mr. Marsden (says Mr. Bigge), *being himself accustomed to traffic in spirits*, must necessarily feel displeased at having so many public houses licensed in the neighbourhood.—(p. 14.)

'As to Mr. Marsden's troubles of mind' (says the Governor), 'and pathetic display of sensibility and humanity, they must be so deeply seated, and so far removed from the surface, as to escape all possible observation. His habits are those of a man for ever engaged in some active, animated pursuit. No man travels more from town to town, or from house to house. His deportment is at all times that of a person the most gay and happy. When I was honoured with his society, he was by far the most cheerful person I met in the colony. Where his hours of sorrow were spent, it is hard to divine; for the variety of his pursuits, both in his own concerns, and in those of others, is so extensive, in farming, grazing, manufactories, transactions, that with his clerical duties, he seems, to use a common phrase, to have his hands full of work. And the particular subject to which he imputes this extreme depression of mind, is, besides, one for which few people here will give him much credit.'—*Macquarrie's Letter to Lord Sidmouth*, p. 18.

There is certainly a wide difference between a man of so much feeling, that he has not a moment's happiness from the beginning to the end of the week, and a little

merry bustling clergyman, largely concerned in the sale of rum, and brisk at a bargain for barley. Mr. Bigge's evidence, however, is very much in favour of Mr. Marsden. He seems to think him a man of highly respectable character and superior understanding, and that he has been dismissed from the magistracy by Governor Macquarrie, in a very rash, unjustifiable, and even tyrannical manner; and in these opinions, we must say, the facts seem to bear out the Report of the Commissioner.

Colonel Macquarrie not only dismisses honest and irreproachable men in a country where their existence is scarce, and their services inestimable, but he advances convicts to the situation and dignity of magistrates. Mr. Bennet lays great stress upon this, and makes it one of his strongest charges against the Governor; and the Commissioner also takes part against it. But we confess we have great doubts on the subject; and are by no means satisfied that the system of the Governor was not, upon the whole, the wisest and best adapted to the situation of the colony. Men are governed by words; and under the infamous term *convict*, are comprehended crimes of the most different degrees and species of guilt. One man is transported for stealing three hams and a pot of sausages; and in the next berth to him on board the transport is a young surgeon, who has been engaged in the mutiny at the Nore; the third man is for extorting money; the fourth was in a respectable situation of life at the time of the Irish Rebellion, and was so ill read in history as to imagine that Ireland had been ill-treated by England, and so bad a reasoner as to suppose, that nine Catholics ought not to pay tithes to one Protestant. Then comes a man who set his house on fire, to cheat the Phœnix Office; and, lastly, that most glaring of all human villains, a poacher, driven from Europe, wife and child, by thirty lords of manors, at the Quarter Sessions, for killing a partridge. Now, all these are crimes no doubt—particularly the last; but they are surely crimes of very different degrees of intensity to which different degrees of contempt and

horror are attached—and from which those who have committed them may, by subsequent morality, emancipate themselves, with different degrees of difficulty, and with more or less of success. A warrant granted by a reformed bacon-stealer would be absurd; but there is hardly any reason why a foolish hot-brained young blockhead, who chose to favour the mutineers at the Nore when he was sixteen years of age, may not make a very loyal subject, and a very respectable and respected magistrate, when he is forty years of age, and has cast his Jacobine teeth, and fallen into the practical jobbing and loyal baseness which so commonly developes itself about that period of life. Therefore, to say that a man must be placed in no situation of trust or elevation, as a magistrate, merely because he is a convict, is to govern mankind with a dictionary, and to surrender sense and usefulness to sound. Take the following case, for instance, from Mr. Bigge:—

'The next person, from the same class, that was so distinguished by Governor Macquarrie, was the Rev. Mr. Fulton. He was transported by the sentence of a court-martial in Ireland, during the Rebellion; and on his arrival in New South Wales, in the year 1800, was sent to Norfolk Island to officiate as chaplain. He returned to New South Wales in the year 1804, and performed the duties of chaplain at Sydney and Paramatta.

'In the divisions that prevailed in the colony previous to the arrest of Governor Bligh, Mr. Fulton took no part; but, happening to form one of his family when the person of the Governor was menaced with violence, he courageously opposed himself to the military party that entered the house, and gave an example of courage and devotion to the authority of Governor Bligh, which, if partaken either by the officer or his few adherents, would have spared him the humiliation of a personal arrest, and rescued his authority from the disgrace of open and violent suspension.'—*Report*, pp. 83, 84.

The particular nature of the place too must be remembered. It is seldom, we suspect, that absolute dunces go to the Bay, but commonly men of active minds, and considerable talents in their various lines—who have not learnt, indeed, the art of self-discipline and control,

but who are sent to learn it in the bitter school of adversity. And when this medicine produces its proper effect—when sufficient time has been given to show a thorough change in character and disposition—a young colony really cannot afford to dispense with the services of any person of superior talents. Activity, resolution, and acuteness, are of such immense importance in the hard circumstances of a new State, that they must be eagerly caught at, and employed as soon as they are discovered. Though all may not be quite so unobjectionable as could be wished—

> 'Res dura, et regni novitas me talia cogunt
> Moliri'—

as Colonel Macquarrie probably quoted to Mr. Commissioner Bigge. As for the conduct of those extra-moralists, who come to settle in a land of crime, and refuse to associate with a convict legally pardoned, however light his original offence, however perfect his subsequent conduct—we have no toleration for such folly and foppery. To sit down to dinner with men who have not been tried for their lives is a luxury which cannot be enjoyed in such a country. It is entirely out of the question; and persons so dainty, and so truly admirable, had better settle at Clapham Common than at Botany Bay. Our trade in Australasia is to turn scoundrels into honest men. If you come among us, and bring with you a good character, and will lend us your society, as a stimulus and reward to men recovering from degradation, you will confer the greatest possible benefit upon the colony; but if you turn up your nose at repentance, insult those unhappy people with your character, and fiercely stand up as a moral bully, and a virtuous braggadocio, it would have been far better for us if Providence had directed you to any other part of the globe than to Botany Bay—which was colonised, not to gratify the insolence of Pharisees, but to heal the contrite spirit of repentant sinners. Mr. Marsden, who has no happiness from six o'clock Monday morning, till the same hour the week following,

will not meet pardoned convicts in society. We have no doubt Mr. Marsden is a very respectable clergyman; but is there not something very different from this in the Gospel? The most resolute and inflexible persons in the rejection of pardoned convicts were some of the marching regiments stationed at Botany Bay — men, of course, who had uniformly shunned, in the Old World, the society of gamesters, prostitutes, drunkards, and blasphemers — who had ruined no tailors, corrupted no wives, and had entitled themselves, by a long course of solemnity and decorum, to indulge in all the insolence of purity and virtue.

In this point, then, of restoring convicts to society, we side, as far as the principle goes, with the Governor; but we are far from undertaking to say that his application of the principle has been on all occasions prudent and judicious. Upon the absurdity of his conduct in attempting to *force* the society of the pardoned convicts upon the undetected part of the colony, there can be no doubt. These are points upon which every body must be allowed to judge for themselves. The greatest monarchs in Europe cannot control opinion upon those points — sovereigns far exceeding Colonel Lachlan Macquarrie, in the antiquity of their dynasty, and the extent, wealth, and importance of their empire.

'It was in vain to assemble them' (the pardoned convicts), 'even on public occasions, at Government House, or to point them out to the especial notice and favour of strangers, or to favour them with particular marks of his own attention upon these occasions, if they still continued to be shunned or disregarded by the rest of the company.

'With the exception of the Reverend Mr. Fulton, and, on some occasions, of Mr. Redfern, I never observed that the other persons of this class participated in the general attentions of the company; and the evidence of Mr. Judge Advocate Wylde and Major Bell both prove the embarrassment in which they were left on occasions that came within their notice.

'Nor has the distinction that has been conferred upon them by Governor Macquarrie produced any effect in subduing the prejudices or objections of the class of free inhabitants to associate with them. One instance only has occurred, in which

the wife of a respectable individual, and a magistrate, has been visited by the wives of the officers of the garrison, and by a few of the married ladies of the colony. It is an instance that reflects equal credit upon the individual herself, as upon the feelings and motives of those by whom she has been so noticed: but the circumstances of her case were very peculiar, and those that led to her introduction to society were very much of a personal kind. It has generally been thought, that such instances would have been more numerous if Governor Macquarrie had allowed every person to have followed the dictates of their own judgment upon a subject, on which, of all others, men are least disposed to be dictated to, and most disposed to judge for themselves.

'Although the emancipated convicts, whom he has selected from their class, are persons who generally bear a good character in New South Wales, yet that opinion of them is by no means universal. Those, however, who entertained a good opinion of them would have proved it by their notice, as Mr. M'Arthur has been in the habit of doing, by the kind and marked notice that he took of Mr. Fitzgerald; and those who entertained a different opinion would not have contracted an aversion to the principle of their introduction, from being obliged to witness what they considered to be an indiscreet and erroneous application of it.'—*Report*, p. 150.

We do not think Mr. Bigge exactly seizes the sense of Colonel Macquarrie's phrase, when the Colonel speaks of restoring men to the rank of society they have lost. Men may either be classed by wealth and education, or by character. All honest men, whether counts or cobblers, are of the same rank, if classed by moral distinctions. It is a common phrase to say that such a man can no longer be ranked among honest men; that he has been degraded from the class of respectable persons; and, therefore, by restoring a convict to the rank he has lost, the Governor may very fairly be supposed to mean the moral rank. In discussing the question of granting offices of trust to convicts, the importance of the *Scelerati* must not be overlooked. Their numbers are very considerable. They have one eighth of all the granted land in the colony; and there are among them individuals of very large fortune. Mr. Redfern has 2600 acres, Mr. Lord 4365 acres, and Mr.

Samuel Terry 19,000 acres. As this man's history is a specimen of the mud and dirt out of which great families often arise, let the *Terry Filii*, the future warriors, legislators, and nobility of the Bay, learn from what, and whom, they sprang.

'The first of these individuals, Samuel Terry, was transported to the colony when young. He was placed in a gang of stonemasons at Paramatta, and assisted in the building of the gaol. Mr. Marsden states, that during this period he was brought before him for neglect of duty, and punished; but, by his industry in other ways, he was enabled to set up a small retail shop, in which he continued till the expiration of his term of service. He then repaired to Sydney, where he extended his business, and, by marriage, increased his capital. He for many years kept a public house and retail shop, to which the smaller settlers resorted from the country, and where, after intoxicating themselves with spirits, they signed obligations and powers of attorney to confess judgment, which were always kept ready for execution. By these means, and by an active use of the common arts of over-reaching ignorant and worthless men, Samuel Terry has been able to accumulate a considerable capital, and a quantity of land in New South Wales, inferior only to that which is held by Mr. D'Arcy Wentworth. He ceased, at the late regulations introduced by the magistrates at Sydney, in February, 1820, to sell spirituous liquors, and he is now become one of the principal speculators in the purchase of investments at Sydney, and lately established a watermill in the swampy plains between that town and Botany Bay, which did not succeed. Out of the 19,000 acres of land held by Samuel Terry, 140 only are stated to be cleared; but he possesses 1450 head of horned cattle, and 3800 sheep.' — *Report*, p. 141.

Upon the subject of the New South Wales Bank, Mr. Bigge observes, —

'Upon the first of these occasions, it became an object both with Governor Macquarrie and Mr. Judge-Advocate Wylde, who took an active part in the establishment of the bank, to unite in its favour the support and contributions of the individuals of all classes of the colony. Governor Macquarrie felt assured, that, without such co-operation, the bank could not be established; for he was convinced that the emancipated convicts were the most opulent members of the community. A committee was formed for the purpose of drawing up the rules and regula-

tions of the establishment, in which are to be found the names of George Howe, the printer of the Sydney Gazette, who was also a retail dealer; Mr. Simon Lord, and Mr. Edward Eager, all emancipated convicts, and the last only conditionally.

'Governor Macquarrie had always understood, and strongly wished, that in asking for the co-operation of all classes of the community in the formation of the bank, a share in its direction and management should also be communicated to them.'—*Report*, p. 150.

In the discussion of this question, we became acquainted with a piece of military etiquette, of which we were previously ignorant. An officer, invited to dinner by the Governor, cannot refuse, unless in case of sickness. This is the most complete tyranny we ever heard of. If the officer comes out to his duty at the proper minute, with his proper number of buttons and epaulettes, what matters it to the Governor or any body else, where he dines? He may as well be ordered what to eat, as where to dine—be confined to the upper or under side of the meat—be denied gravy, or refused melted butter. But there is no end to the small tyranny and puerile vexations of a military life.

The mode of employing convicts upon their arrival appears to us very objectionable. 'If a man is skilful as a mechanic, he is added to the Government gangs; and in proportion to his skill and diligence, his chance of manumission, or of remission of labour, is lessened. If he is not skilful, or not skilful in any trade wanted by Government, he is applied for by some settler, to whom he pays from 5*s*. to 10*s*. a week; and is then left at liberty to go where, and work for whomsoever, he pleases. In the same manner, a convict who is rich is applied for, and obtains his weekly liberty and idleness by the purchased permission of the person to whom he is consigned.

The greatest possible inattention or ignorance appears to have prevailed in manumitting convicts for labour—and for *such* labour! not for cleansing Augean stables, or draining Pontine marshes, or damming out a vast length of the Adriatic, but for working five weeks with

a single horse and cart in making the road to Bathurst Plains. Was such labour worth five pounds? And is it to be understood, that liberty is to be restored to any man who will do five pounds' worth of work in Australasia? Is this comment upon transportation to be circulated in the cells of Newgate, or in the haunts of those persons who are doomed to inhabit them?

'Another principle by which Governor Macquarrie has been guided in bestowing pardons and indulgences, is that of considering them as rewards for any particular labour or enterprise. It was upon this principle, that the men who were employed in working upon the Bathurst Road, in the year 1815, and those who contributed to that operation by the loan of their own carts and horses, or of those that they procured, obtained pardons, emancipations, and tickets of leave. To 39 men who were employed as labourers in this work, three free pardons were given, one ticket of leave, and 35 emancipations; and two of them only had held tickets of leave before they commenced their labour. Seven convicts received emancipations for supplying horses and carts for the carriage of provisions and stores as the party was proceeding; six out of this number having previously held tickets of leave.

'Eight other convicts (four of whom held tickets of leave) received emancipations for assisting with carts, and one horse to each, in the transport of provisions and baggage for the use of Governor Macquarrie and his suite, on their journey from the river Nepean to Bathurst, in the year 1816; a service that did not extend beyond the period of five weeks, and was attended with no risk, and very little exertion.

'Between the months of January, 1816, and June, 1818, nine convicts, of whom six held tickets of leave, obtained emancipations for sending carts and horses to convey provisions and baggage from Paramatta to Bathurst, for the use of Mr. Oxley, the surveyor-general, in his two expeditions into the interior of the country. And in the same period, 23 convict labourers and mechanics obtained emancipations for labour and service performed at Bathurst.

'The nature of the services performed by these convicts, and the manner in which some of them were recommended, excited much surprise in the colony, as well as great suspicion of the purity of the channels through which the recommendations passed.' — *Report*, pp. 122, 123.

If we are to judge from the number of jobs detected

by Mr. Bigge, Botany Bay seems very likely to do justice to the mother-country from whence it sprang. Mr. Redfern, surgeon, seems to use the public rhubarb for his private practice. Mr. Hutchinson, superintendent, makes a very comfortable thing of the assignment of convicts. Major Druit was found selling their own cabbages to Government in a very profitable manner; and many comfortable little practices of this nature are noticed by Mr. Bigge.

Among other sources of profit, the superintendent of convicts was the banker; two occupations which seem to be eminently compatible with each other, inasmuch as they afford to the superintendent the opportunity of evincing his impartiality, and loading with equal labour every convict, without reference to their banking accounts, to the profit they afford, or the trouble they create. It appears, however (very strangely), from the Report, that the money of convicts was not always recovered with the same readiness it was received.

Mr. Richard Fitzgerald, in September, 1819, was comptroller of provisions in Emu Plains, storekeeper at Windsor, and superintendent of Government works at the same place. He was also a proprietor of land and stock in the neighbourhood, and kept a public house in Windsor, of which an emancipated Jew was the ostensible manager, upon whom Fitzgerald gave orders for goods and spirits in payment for labour on the public works. These two places are fifteen miles distant from each other, and convicts are to be watched and managed at both. It cannot be imagined that the convicts are slow in observing or following these laudable examples; and their conduct will add another instance of the vigilance of Macquarrie's government.

'The stores and materials used in the different buildings at Sydney are kept in a magazine in the lumber yard, and are distributed according to the written requisitions of the different overseers that are made during the day, and that are addressed to the storekeeper in the lumber yard. They are conveyed from thence to the buildings by the convict mechanics; and no

account of the expenditure or employment of the stores is kept by the overseers, or rendered to the storekeeper. It was only in the early part of the year 1820 that an account was opened by him of the different materials used in each work or building; and in February, 1821, this account was considerably in arrear. The temptation, therefore, that is afforded to the convict mechanics who work in the lumber yard, in secreting tools, stores, and implements, and to those who work at the different buildings, is very great, and the loss to Government is considerable. The tools, moreover, have not latterly been mustered as they used to be once a month, except where one of the convicts is removed from Sydney to another station.'—*Report*, pp. 36, 37.

If it were right to build fine houses in a new colony, common sense seems to point out a control upon the expenditure, with such a description of workmen. What must become of that country where the buildings are useless, the Governor not wise, the public the paymaster, the accounts not in existence, and all the artisans thieves?

A horrid practice prevailed, of the convicts accepting a sum of money from the captain, in their voyage out, in lieu of their regular ration of provisions. This ought to be restrained by the severest penalties.

What is it that can be urged for Governor Macquarrie, after the following picture of the Hospital at Paramatta? It not only justifies his recall, but seems to require (if there are means of reaching such neglect) his severe punishment.

'The women, who had become most profligate and hardened by habit, were associated in their daily tasks with those who had very lately arrived, to whom the customs and practices of the colony were yet unknown, and who might have escaped the consequences of such pernicious lessons, if a little care, and a small portion of expense, had been spared in providing them with a separate apartment during the hours of labour. As a place of employment, the factory at Paramatta was not only very defective, but very prejudicial. The insufficient accommodation that it afforded to those females who might be well disposed, presented an early incitement, if not an excuse for, their resorting to indiscriminate prostitution; and on the evening of

their arrival at Paramatta, those who were not deploring their state of abandonment and distress, were traversing the streets in search of the guilty means of future support. The state in which the place itself was kept, and the state of disgusting filth in which I found it, both on an early visit after my arrival, and on one preceding my departure; the disordered, unruly, and licentious appearance of the women, manifested the little degree of control in which the female convicts were kept, and the little attention that was paid to any thing beyond the mere performance of a certain portion of labour.'—*Report*, p. 70.

It might naturally be supposed, that any man sent across the globe with a good salary, for the express purpose of governing, and, if possible, of reforming convicts, would have preferred the morals of his convicts to the accommodation of his horses. Let Mr. Bigge, a very discreet and moderate man, be heard upon these points.

'Having observed, in Governor Macquarrie's answer to Mr. Marsden, that he justified the delay that occurred, and was still to take place, in the construction of a proper place of reception for the female convicts, by the want of any specific instructions from your Lordship to undertake such a building, and which he states that he solicited at an early period of his government, and considered indispensable, I felt it to be my duty to call to the recollection of Governor Macquarrie, that he had undertaken several buildings of much less urgent necessity than the factory at Paramatta, without waiting for any such indispensable authority; and I now find that the construction of it was announced by him to your Lordship in the year 1817, as then in his contemplation, without making any specific allusion to the evils which the want of it had so long occasioned; that the contract for building it was announced to the public on the 21st May, 1818, and that your Lordship's approval of it was not signified until the 24th August, 1818, and could not have reached Governor Macquarrie's hands until nearly a year after the work had been undertaken. It appears, therefore, that if want of authority had been the sole cause of the delay in building the factory at Paramatta, that cause would not only have operated in the month of March, 1818, but it would have continued to operate until the want of authority had been formally supplied. Governor Macquarrie, however, must be conscious, that after he had stated to Mr. Marsden in the year 1815, and with an appearance of regret, that the want of authority prevented him

from undertaking the construction of a building of such undeniable necessity and importance as the factory at Paramatta, he had undertaken several buildings, which, though useful in themselves, were of less comparative importance; *and had commenced, in the month of August,* 1817, *the laborious and expensive construction of his own stables at Sydney, to which I have already alluded,* without any previous communication to your Lordship, and in direct opposition to an instruction that must have then reached him, and that forcibly warned him of the consequences.' —*Report,* p. 71.

It is the fashion very much among the Tories of the House of Commons, and all those who love the effects of public liberty, without knowing or caring how it is preserved, to attack every person who complains of abuses, and to accuse him of gross exaggeration. No sooner is the name of any public thief, or of any tormentor, or oppressor, mentioned in that Honourable House, than out bursts the spirit of jobbing eulogium, and there is not a virtue under heaven which is not ascribed to the delinquent in question, and vouched for by the most irrefragable testimony. If Mr. Bennet or Sir Francis Burdett had attacked them, and they had now been living, how many honourable members would have vouched for the honesty of Dudley and Empson, the gentleness of Jeffries, or the genius of Blackmore? What human virtue did not Aris and the governor of Ilchester gaol possess? Who was not ready to come forward to vouch for the attentive humanity of Governor Macquarrie? What scorn and wit would it have produced from the Treasury Bench, if Mr. Bennet had stated the superior advantages of the horses over the convicts? — and all the horrors and immoralities, the filth and wretchedness, of the female prison of Paramatta? Such a case, proved, as this now is, beyond the power of contradiction, ought to convince the most hardy and profligate scoffers, that there is really a great deal of occasional neglect and oppression in the conduct of public servants; and that, in spite of all the official praise, which is ever ready for the perpetrators of crime, there is a great deal of real malversation which should

be dragged to the light of day, by the exertions of bold and virtuous men. If we had found, from the Report of Mr. Bigge, that the charges of Mr. Bennet were without any, or without adequate foundation, it would have given us great pleasure to have vindicated the Governor; but Mr. Bennet has proved his indictment. It is impossible to read the foregoing quotation, and not to perceive, that the conduct and proceedings of Governor Macquarrie imperiously required the exposure they have received; and that it would have been much to the credit of Government if he had been removed long ago from a situation which, but for the exertions of Mr. Bennet, we believe he would have held to this day.

The sick, from Mr. Bigge's Report, appear to have fared as badly as the sinful. Good water was scarce, proper persons to wait upon the patients could not be obtained; and so numerous were the complaints from this quarter, that the Governor makes an order for the exclusion of all hospital grievances and complaints, *except on one day in the month*—dropsy swelling, however, fever burning, and ague shaking, in the mean time, without waiting for the arrangements of Governor Macquarrie, or consulting the *mollia tempora fandi.*

In permitting individuals to distil their own grain, the Government of Botany Bay appears to us to be quite right. It is impossible, in such a colony, to prevent unlawful distillation to a considerable extent; and it is as well to raise upon spirits (as something must be taxed) that slight duty which renders the contraband trade not worth following. Distillation, too, always insures a magazine against famine, by which New South Wales has more than once been severely visited. It opens a market for grain where markets are very distant, and where redundance and famine seem very often to succeed each other. The cheapness of spirits, to such working people as know how to use them with moderation, is a great blessing; and we doubt whether that moderation, after the first burst of ebriety, is not just as likely to be learnt in plenty, as in scarcity.

We were a little surprised at the scanty limits allowed to convicts for sleeping on board the transports. Mr. Bigge (of whose sense and humanity we really have not the slightest doubt) states eighteen inches to be quite sufficient—twice the length of a small sheet of letter paper. The printer's devil, who carries our works to the press, informs us, that the allowance to the demons of the type is double foolscap length, or twenty-four inches. The great city upholsterers generally consider six feet as barely sufficient for a person rising in business, and assisting occasionally at official banquets.

Mrs. Fry's* system is well spoken of by Mr. Bigge; and its useful effect in promoting order and decency among floating convicts fully admitted.

In a voyage to Botany Bay by Mr. Read, he states that, while the convict vessel lay at anchor, about to sail, a boat from shore reached the ship, and from it stepped a clerk of the Bank of England. The convicts felicitated themselves upon the acquisition of so gentlemanlike a companion; but it soon turned out that the visitant had no intention of making so long a voyage. Finding that they were not to have the pleasure of his company, the convicts very naturally thought of picking his pockets; the necessity of which professional measure was prevented by a speedy distribution of their contents. Forth from his bill-case this votary of Plutus drew his nitid Newlands; all the forgers and utterers were mustered on deck; and to each of them was well and truly paid into his hand a five pound note;

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* We are sorry it should have been imagined, from some of our late observations on prison discipline, that we meant to disparage the exertions of Mrs. Fry. For prisoners before trial, it is perfect; but where imprisonment is intended for punishment, and not for detention, it requires, as we have endeavoured to show, a very different system. The Prison Society (an excellent, honourable, and most useful institution of some of the best men in England) have certainly, in their first Numbers, fallen into the common mistake, of supposing that the reformation of the culprit, and not the prevention of the crime, was the main object of imprisonment; and have, in consequence, taken some false views of the method of treating prisoners—the exposition of which, after the usual manner of flesh and blood, makes them a little angry. But, in objects of so high a nature, what matters *who* is right?—the only question is, *What* is right?

less acceptable, perhaps, than if privately removed from the person, but still joyfully received. This was well intended on the part of the Directors: but the consequences it is scarcely necessary to enumerate; a large stock of rum was immediately laid in from the circumambient slop boats; and the materials of constant intoxication secured for the rest of the voyage.

The following account of pastoral convicts is striking and picturesque:—

'I observed that a great many of the convicts in Van Diemen's Land wore jackets and trousers of the kangaroo skin, and sometimes caps of the same material, which they obtain from the stock-keepers who are employed in the interior of the country. The labour of several of them differs, in this respect, from that of the convicts in New South Wales, and is rather pastoral than agricultural. Permission having been given, for the last five years, to the settlers to avail themselves of the ranges of open plains and valleys that lie on either side of the road leading from Austin's Ferry to Launceston, a distance of 120 miles, their flocks and herds have been committed to the care of convict shepherds and stock-keepers, who are sent to these cattle ranges, distant sometimes 30 or 40 miles from their masters' estates.

'The boundaries of these tracts are described in the tickets of occupation by which they are held, and which are made renewable every year, on payment of a fee to the Lieutenant-Governor's clerk. One or more convicts are stationed on them, to attend to the flocks and cattle, and are supplied with wheat, tea, and sugar, at the monthly visits of the owner. They are allowed the use of a musket and a few cartridges to defend themselves against the natives; and they have also dogs, with which they hunt the kangaroos, whose flesh they eat, and dispose of their skins to persons passing from Hobart Town to Launceston, in Exchange for tea and sugar. They thus obtain a plentiful supply of food, and sometimes succeed in cultivating a few vegetables. Their habitations are made of turf, and thatched; as the bark of the dwarf eucalyptus, or gum-trees of the plains, and the interior, in Van Diemen's Land, is not of sufficient expanse to form covering or shelter.'—*Report*, pp. 107, 108.

A London thief, clothed in kangaroo's skins, lodged under the bark of the dwarf eucalyptus, and keeping sheep, fourteen thousand miles from Piccadilly, with a

crook bent into the shape of a picklock, is not an uninteresting picture; and an engraving of it might have a very salutary effect — provided no engraving were made of his convict master, to whom the sheep belong.

The Maroon Indians were hunted by dogs — the fugitive convicts are recovered by the natives.

'The native blacks that inhabit the neighbourhood of Port Hunter and Port Stephens have become very active in retaking the fugitive convicts. They accompany the soldiers who are sent in pursuit; and, by the extraordinary strength of sight they possess, improved by their daily exercise of it in pursuit of kangaroos and opossums, they can trace to a great distance, with wonderful accuracy, the impressions of the human foot. Nor are they afraid of meeting the fugitive convicts in the woods, when sent in their pursuit, without the soldiers; by their skill in throwing their long and pointed wooden darts, they wound and disable them, strip them of their clothes, and bring them back as prisoners, by unknown roads and paths, to the Coal River.

'They are rewarded for these enterprises by presents of maize and blankets; and, notwithstanding the apprehensions of revenge from the convicts whom they bring back, they continue to live in Newcastle and its neighbourhood; but are observed to prefer the society of the soldiers to that of the convicts.'— *Report*, p. 117.

Of the convicts in New South Wales, Mr. Bigge found about eight or nine in a hundred to be persons of respectable character and conduct, though the evidence respecting them is not quite satisfactory. But the most striking and consolatory passage in the whole Report is the following:—

'The marriages of the native-born youths with female convicts are very rare; a circumstance that is attributable to the general disinclination to early marriage that is observable amongst them, and partly to the abandoned and dissolute habits of the female convicts; but chiefly to a sense of pride in the native-born youths, approaching to contempt for the vices and depravity of the convicts, even when manifested in the persons of their own parents.'—*Report*, p. 105.

Every thing is to be expected from these feelings. They convey to the mother-country the first proof that the foundations of a mighty empire are laid.

We were somewhat surprised to find Governor Macquarrie contending with Mr. Bigge, that it was no part of his, the Governor's, duty to select and separate the useless from the useful convicts, or to determine, except in particular cases, to whom they are to be assigned. In other words, he wishes to effect the customary separation of salary and duty—the grand principle which appears to pervade all human institutions, and to be the most invincible of all human abuses. Not only are Church, King, and State, allured by this principle of vicarious labour, but the pot-boy has a lower pot-boy, who, for a small portion of the small gains of his principal, arranges, with inexhaustible sedulity, the subdivided portions of drink, and, intensely perspiring, disperses, in bright pewter, the frothy elements of joy.

There is a very awkward story of a severe flogging inflicted upon three freemen by Governor Macquarrie, without complaint to, or intervention of, any magistrate; a fact not denied by the Governor, and for which no adequate apology, nor any thing approaching to an adequate apology, is offered. These Asiatic and satrapical proceedings, however, we have reason to think, are exceedingly disrelished by London juries. The profits of having been unjustly flogged at Botany Bay (Scarlett for the plaintiff) is good property, and would fetch a very considerable sum at the Auction Mart. The Governor, in many instances, appears to have confounded diversity of opinion upon particular measures, with systematic opposition to his Government, and to have treated as disaffected persons those whom, in favourite measures, he could not persuade by his arguments, nor influence by his example, and on points where every man has a right to judge for himself, and where authority has no legitimate right to interfere, much less to dictate.

To the charges confirmed by the statement of Mr. Bigge, Mr. Bennet adds, from the evidence collected by

the Gaol Committee, that the fees in the Governor's Court, collected by the authority of the Governor, are most exorbitant and oppressive; and that illegal taxes are collected under the sole authority of the Governor. It has been made, by colonial regulations, a capital offence to steal the wild cattle; and, in 1816, three persons were convicted of stealing a wild bull, *the property of our Sovereign Lord the King.* Now, our Sovereign Lord the King (whatever be his other merits or demerits) is certainly a very good-natured man, and would be the first to lament that an unhappy convict was sentenced to death for killing one of his wild bulls on the other side of the world. The cases of Mr. Moore and of William Stewart, as quoted by Mr. Bennet, are very strong. If they are answerable, they should be answered. The concluding letter to Mr. Stewart is, to us, the most decisive proof of the unfitness of Colonel Macquarrie for the situation in which he was placed. The Ministry at home, after the authenticity of the letter was proved, should have seized upon the first decent pretext of recalling the Governor, of thanking him in the name of his Sovereign for his valuable services (not omitting his care of the wild bulls), and of dismissing him to half-pay—and insignificance.

As to the Trial by Jury, we cannot agree with Mr. Bennet, that it would be right to introduce it at present, for reasons we have given in a previous Article, and which we see no reason for altering. The time of course will come when it would be in the highest degree unjust and absurd, to refuse to that settlement the benefit of popular institutions. But they are too young, too few, and too deficient for such civilized machinery at present. 'I cannot come to serve upon the jury—the waters of the Hawksbury are out, and I have a mile to swim—the kangaroos will break into my corn—the convicts have robbed me—my little boy has been bitten by an ornithorynchus paradoxus—I have sent a man fifty miles with a sack of flour to buy a pair of breeches for the assizes, and he is not returned.' These are the excuses which, in new colonies, always prevent Trial by

Jury; and make it desirable, for the first half-century of their existence, that they should live under the simplicity and convenience of despotism — such modified despotism (we mean) as a British House of Commons (always containing men as bold and honest as the member for Shrewsbury) will permit, in the governors of their distant colonies.

Such are the opinions formed of the conduct of Governor Macquarrie by Mr. Bigge. Not the slightest insinuation is made against the integrity of his character. Though almost every body else has a job, we do not perceive that any is imputed to this gentleman; but he is negligent, expensive, arbitrary, ignorant, and clearly deficient in abilities for the task committed to his charge. It is our decided opinion, therefore, that Mr. Bennet has rendered a valuable service to the public, in attacking and exposing his conduct. As a gentleman and an honest man, there is not the smallest charge against the Governor; but a gentleman, and a very honest man, may very easily ruin a very fine colony. The colony itself, disencumbered of Colonel Lachlan Macquarrie, will probably become a very fine empire; but we can scarcely believe it is of any present utility as a place of punishment. The history of emancipated convicts, who have made a great deal of money by their industry and their speculations, necessarily reaches this country, and prevents men who are goaded by want, and hovering between vice and virtue, from looking upon it as a place of suffering — perhaps leads them to consider it as the land of hope and refuge, to them unattainable, except by the commission of crime. And so they lift up their heads at the Bar, hoping to be transported, —

> 'Stabant orantes primi transmittere cursum,
> Tendebantque manus, ripæ ulterioris amore.'

It is not possible, in the present state of the law, that these enticing histories of convict prosperity should be prevented, by one uniform system of severity exercised in New South Wales, upon all transported persons. Such different degrees of guilt are included under the

term of convict, that it would violate every feeling of humanity, and every principle of justice, to deal out one measure of punishment to all. We strongly suspect that this is the root of the evil. We want new gradations of guilt to be established by law—new names for those gradations—and a different measure of good and evil treatment attached to those denominations. In this manner, the mere *convict*, the *rogue and convict*, and the *incorrigible convict*, would expect, upon their landing, to be treated with very different degrees of severity. The first might be merely detained in New South Wales without labour or coercion; the second compelled, at all events, to work out two thirds of his time, without the possibility of remission; and the third be destined at once for the Coal River.* If these consequences steadily followed these gradations of conviction, they would soon be understood by the felonious world at home. At present, the prosperity of the best convicts is considered to be attainable by all; and transportation to another hemisphere is looked upon as the renovation of fallen fortunes, and the passport to wealth and power.

Another circumstance, which destroys all idea of punishment in transportation to New South Wales, is the enormous expense which that settlement would occasion if it really were made a place of punishment. A little wicked tailor arrives, of no use to the architectural projects of the Governor. He is turned over to a settler, who leases this sartorial Borgia his liberty for five shillings per week, and allows him to steal and snip, what, when, and where he can. The excuse for all this mockery of law and justice is, that the expense of his maintenance is saved to the Government at home. But the expense is not saved to the country at large. The nefarious needleman writes home, that he is as comfortable as a finger in a thimble! that though a fraction only of humanity, he has several wives, and is filled every day with rum and kangaroo. This, of course, is

* This practice is now resorted to.

not lost upon the shopboard; and, for the saving of fifteen pence per day, the foundation of many criminal tailors is laid. What is true of tailors, is true of tinkers and all other trades. The chances of escape from labour, and of manumission in the Bay, we may depend upon it, are accurately reported, and perfectly understood, in the flash-houses of St. Giles; and, while Earl Bathurst is full of jokes and joy, public morals are thus sapped to their foundation.

GAME LAWS. (E. Review, 1823.)

A Letter to the Chairman of the Committee of the House of Commons, on the Game Laws. By the Hon. and Rev. William Herbert. Ridgway, 1823.

ABOUT the time of the publication of this little pamphlet of Mr. Herbert, a Committee of the House of Commons published a Report on the Game Laws, containing a great deal of very curious information respecting the sale of game, an epitome of which we shall now lay before our readers. The country higglers who collect poultry, gather up the game from the depôts of the poachers, and transmit it in the same manner as poultry, and in the same packages, to the London poulterers, by whom it is distributed to the public; and this traffic is carried on (as far as game is concerned) even from the distance of Scotland. The same business is carried on by the porters of stage coaches; and a great deal of game is sold clandestinely by lords of manors, or by gamekeepers, without the knowledge of lords of manors; and principally, as the evidence states, from Norfolk and Suffolk, the great schools of steel traps and spring guns. The supply of game, too, is proved to be quite as regular as the supply of poultry; the number of hares and partridges supplied rather exceeds that of pheasants; but any description of game may be had to any amount. Here is a part of the evidence.

'Can you at any time procure any quantity of game? I have no doubt of it.—If you were to receive almost an unlimited order, could you execute it? Yes; I would supply the whole city of London, any fixed day once a week, all the year through, so that every individual inhabitant should have game for his table.—Do you think you could procure a thousand pheasants? Yes; I would be bound to produce *ten thousand* a week.—You would be bound to provide every family in London with a dish of game? Yes; a partridge, or a pheasant, or a hare, or a

grouse, or something or other.—How would you set about doing it? I should, of course, request the persons with whom I am in the habit of dealing, to use their influence to bring me what they could by a certain day; I should speak to the dealers and the mail-guards, and coachmen, to produce a quantity; and I should send to my own connections in one or two manors where I have the privilege of selling for those gentlemen; and should send to Scotland to say, that every week the largest quantity they could produce was to be sent. Being but a petty salesman, I sell a very small quantity; but I have had about 4000 head direct from one man.—Can you state the quantity of game which has been sent to you during the year? No; I may say, perhaps, 10,000 head; mine is a limited trade; I speak comparatively to that of others; I only supply private families.'—*Report*, p. 20.

Poachers who go out at night cannot, of course, like regular tradesmen, proportion the supply to the demand, but having once made a contract, they kill all they can; and hence it happens that the game market is sometimes very much overstocked, and great quantities of game either thrown away, or disposed of by Irish hawkers to the common people at very inferior prices.

'Does it ever happen to you to be obliged to dispose of poultry at the same low prices you are obliged to dispose of game? It depends upon the weather; often when there is a considerable quantity on hand, and, owing to the weather, it will not keep till the following day, I am obliged to take any price that is offered; but we can always turn either poultry or game into some price or other; and if it was not for the Irish hawkers, hundreds and hundreds of heads of game would be spoiled and thrown away. It is out of the power of any person to conceive for one moment the quantity of game that is hawked in the streets. I have had opportunity more than other persons of knowing this; for I have sold, I may say, more game than any other person in the city; and we serve hawkers indiscriminately, persons who come and purchase probably six fowls or turkeys and geese, and they will buy heads of game with them.' —*Report*, p. 22.

Live birds are sent up as well as dead; eggs as well as birds. The price of pheasants' eggs last year was 8*s.* per dozen; of partridges' eggs, 2*s.* The price of hares was from 3*s.* to 5*s.* 6*d.*; of partridges, from 1*s.* 6*d.* to

2*s.* 6*d.*; of pheasants, from 5*s.* to 5*s.* 6*d.* each, and sometimes as low as 1*s.* 6*d.*

'What have you given for game this year? It is very low indeed; I am sick of it; I do not think I shall ever deal again. We have got game this season as low as half-a-crown a brace (birds), and pheasants as low as 7*s.* a brace. It is so plentiful, there has been no end to spoiling it this season. It is so plentiful, it is of no use. In war time it was worth having; then they fetched 7*s.* and 8*s.* a brace.'—*Report*, p. 33.

All the poulterers, too, even the most respectable, state, that it is absolutely necessary they should carry on this illegal traffic in the present state of the game laws; because their regular customers for poultry would infallibly leave any poulterer's shop from whence they could not be supplied with game.

'I have no doubt that it is the general wish at present of the trade not to deal in the article; but they are all, of course, compelled from their connections. If they cannot get game from one person, they can from another.

'Do you believe that poulterers are not to be found who would take out licences, and would deal with those very persons, for the purposes of obtaining a greater profit than they would have dealing as you would do? I think the poulterers in general are a respectable set of men, and would not countenance such a thing; they feel now that they are driven into a corner; that there may be men who would countenance irregular proceedings, I have no doubt.—Would it be their interest to do so, considering the penalty? No, I think not. The poulterers are perfectly well aware that they are committing a breach of the law at present. Do you suppose that those persons, respectable as they are, who are now committing a breach of the law, would not equally commit that breach if the law were altered? No, certainly not; at present it is so connected with their business that they cannot help it.—You said just now, that they were driven into a corner; what did you mean by that? We are obliged to aid and abet those men who commit those depredations, because of the constant demand for game, from different customers whom we supply with poultry.—Could you carry on your business as a poulterer, if you refused to supply game? By no means; because some of the first people in the land require it of me.'—*Report*, p. 15.

When that worthy Errorist, Mr. Bankes, brought in

his bill of additional severities against poachers, there was no man of sense and reflection who did not anticipate the following consequences of the measure: —

'Do you find that less game has been sold in consequence of the bill rendering it penal to sell game? Upon my word, it did not make the slightest difference in the world.—Not immediately after it was made? No; I do not think it made the slightest difference.—It did not make the slightest sensation? No; I never sold a bird less.—Was not there a resolution of the poulterers not to sell game? I was secretary to that committee.—What was the consequence of that resolution? A great deal of ill blood in the trade. One gentleman who just left the room did not come in to my ideas. I never had a head of game in my house; all my neighbours sold it; and as we had people on the watch, who were ready to watch it into the houses, it came to this, we were prepared to bring our actions against certain individuals, after sitting, perhaps, from three to four months, every week, which we did at the Crown and Anchor in the Strand; but we did not proceed with our actions, to prevent ill blood in the trade. We regularly met, and, as we conceived at the time, formed a committee of the most respectable of the trade. I was secretary of that committee. The game was sold in the city, in the vicinity of the Royal Exchange, cheaper than ever was known, because the people at our end of the town were afraid. I, as a point of honour, never had it in my house. I never had a head of game in my house that season.—What was the consequence? I lost my trade, and gave offence to gentlemen; a nobleman's steward, or butler, or cook, treated it as contumely; "Good God! what is the use of your running your head against the wall?"—You were obliged to begin the trade again? Yes, and sold more than ever.'—*Report*, p. 18.

These consequences are confirmed by the evidence of every person before the Committee.

All the evidence is very strong as to the fact, that dealing in game is not descreditable; that there are a great number of respectable persons, and, among the rest, the first poulterers in London, who buy game knowing it to have been illegally procured, but who would never dream of purchasing any other article procured by dishonesty.

'Are there not, to your knowledge, a great many people in this town who deal in game, by buying or selling it, that would not on any account buy or sell stolen property? Certainly; there are many capital tradesmen, poulterers, who deal in game, that would have nothing to do with stolen property; and yet I do not think there is a poulterer's shop in London, where they could not get game, if they wanted it.— Do you think any discredit attaches to any man in this town for buying or selling game? I think none at all; and I do not think that the men to whom I have just referred would have any thing to do with stolen goods.— Would it not, in the opinion of the inhabitants of London, be considered a very different thing dealing in stolen game or stolen poultry? Certainly.— The one would be considered disgraceful, and the other not? Certainly; they think nothing of dealing in game; and the farmers in the country will not give information; they will have a hare or two of the very men who work for them; and they are afraid to give us information.'— *Report*, p. 31.

The evidence of Daniel Bishop, one of the Bow Street officers, who has been a good deal employed in the apprehension of poachers, is curious and important, as it shows the enormous extent of the evil, and the ferocious spirit which the game laws engender in the common people. 'The poachers,' he says, 'came 16 miles. The whole of the village from which they were taken were poachers; the constable of the village, and the shoemaker, and other inhabitants of the village. I fetched one man 22 miles. There was the son of a respectable gardener; one of these was a sawyer, and another a baker, who kept a good shop there. If the village had been alarmed, we should have had some mischief; but we were all prepared with fire-arms. If poachers have a spite with the gamekeeper, that would induce them to go out in numbers to resist him. This party I speak of had something in their hats to distinguish them. They take a delight in setting-to with the gamekeepers; and talk it over afterwards how they served so and so. They fought with the butt-ends of their guns at Lord Howe's; they beat the gamekeepers shockingly.' — 'Does it occur to you (Bishop is asked) to have had more applications, and to have detected more

persons this season than in any former one? Yes; I think within four months there have been twenty-one transported that I have been at the taking of, and through one man turning evidence in each case, and without that they could not have been identified; the gamekeepers could not, or would not, identify them. The poachers go to the public house and spend their money; if they have a good night's work, they will go and get drunk with the money. The gangs are connected together at different public houses, just like a club at a public house; they are all sworn together. If the keeper took one of them, they would go and attack him for so doing.'

Mr. Stafford, chief clerk of Bow Street, says, 'All the offences against the game laws which are of an atrocious description I think are generally reported to the public office in Bow Street, more especially in cases where the keepers have either been killed, or dangerously wounded, and the assistance of an officer from Bow Street is required. The applications have been much more numerous of late years * than they were formerly. Some of them have been cases of murder; but I do not think many have amounted to murder. There are many instances in which keepers have been very ill treated — they have been wounded, skulls have been fractured, and bones broken; and they have been shot at. A man takes a hare, or a pheasant, with a very different feeling from that with which he would take a pigeon or a fowl out of a farm-yard. The number of persons that assemble together is more for the purpose of protecting themselves against those that may apprehend them, than from any idea that they are actually committing depredation upon the property of another person; they do not consider it as property. I think there is a sense of morality and a distinction of crime existing in the men's minds,

* It is only of late years that men have been transported for shooting at night. There are instances of men who have been transported at the Sessions for night poaching, who made no resistance at all when taken; but then their characters as old poachers weighed against them — characters estimated probably by the very lords of manors who had lost their game. This disgraceful law is the occasion of all the murders committed for game.

although they are mistaken about it. Men feel that if they go in a great body together, to break into a house or to rob a person, or to steal his poultry, or his sheep, they are committing a crime against that man's property; but I think with respect to the game, they do not feel that they are doing any thing which is wrong; but think they have committed no crime when they have done the thing, and their only anxiety is to escape detection.' In addition, Mr. Stafford states that he remembers not *one single conviction under Mr. Bankes's Act against buying game;* and not one conviction for buying or selling game within the last year has been made at Bow Street.

The inferences from these facts are exactly as we predicted, and as every man of common sense must have predicted—that to prevent the sale of game is absolutely impossible. If game be plentiful, and cannot be obtained at any lawful market, an illicit trade will be established, which it is utterly impossible to prevent by any increased severity of the laws. There never was a more striking illustration of the necessity of attending to public opinion in all penal enactments. Mr. Bankes (a perfect representative of all the ordinary notions about forcing mankind by pains and penalties) took the floor. To buy a partridge (though still considered as inferior to murder) was visited with the very heaviest infliction of the law; and yet, though game is sold as openly in London as apples and oranges, though three years have elapsed since this legislative mistake, the officers of the police can hardly recollect a single instance where the information has been laid, or the penalty levied; and why? because every man's feelings and every man's understanding tell him, that it is a most absurd and ridiculous tyranny to prevent one man, who has more game than he wants, from exchanging it with another man, who has more money than he wants—because magistrates will not (if they can avoid it) inflict such absurd penalties—because even common informers know enough of the honest indignation of mankind, and are too well aware of the

coldness of pump and pond to act under the bill of the Lycurgus of Corfe Castle.

The plan now proposed is, to undersell the poacher, which may be successful or unsuccessful; but the threat is, if you attempt this plan there will be no game—and if there is no game, there will be no country gentlemen. We deny every part of this enthymeme—the last proposition as well as the first. We really cannot believe that all our rural mansions would be deserted, although no game was to be found in their neighbourhood. Some come into the country for health, some for quiet, for agriculture, for economy, from attachment to family estates, from love of retirement, from the necessity of keeping up provincial interests, and from a vast variety of causes. Partridges and pheasants, though they form nine tenths of human motives, still leave a small residue, which may be classed under some other head. Neither are a great proportion of those whom the love of shooting brings into the country of the smallest value or importance to the country. A Colonel of the Guards, the second son just entered at Oxford, three diners out from Piccadilly—Major Rock, Lord John, Lord Charles, the Colonel of the regiment quartered at the neighbouring town, two Irish Peers, and a German Baron;—if all this honourable company proceed with fustian jackets, dog-whistles, and chemical inventions, to a solemn destruction of pheasants, how is the country benefited by their presence? or how would earth, air, or sea, be injured by their annihilation? There are certainly many valuable men brought into the country by a love of shooting, who, coming there for that purpose, are useful for many better purposes; but a vast multitude of shooters are of no more service to the country than the ramrod which condenses the charge, or the barrel which contains it. We do not deny that the annihilation of the game laws would thin the aristocratical population of the country; but it would not thin that population so much as is contended; and the loss of many of the persons so banished would be a good rather than a misfortune. At all events, we cannot at

all comprehend the policy of alluring the better classes of society into the country, by the temptation of petty tyranny and injustice, or of monopoly in sports. How absurd it would be to offer to the higher orders the exclusive use of peaches, nectarines, and apricots, as the premium of rustication — to put vast quantities of men into prison as apricot eaters, apricot buyers, and apricot sellers — to appoint a regular day for beginning to eat, and another for leaving off — to have a lord of the manor for green gages — and to rage with a penalty of five pounds against the unqualified eater of the gage! And yet the privilege of shooting a set of wild poultry is stated to be the bonus for the residence of country gentlemen. As far as this immense advantage can be obtained without the sacrifice of justice and reason, well and good — but we would not oppress any order of society, or violate right and wrong, to obtain any population of squires, however dense. It is the grossest of all absurdities to say the present state of the law is absurd and unjust, but it must not be altered, because the alteration would drive gentlemen out of the country! If gentlemen cannot breathe fresh air without injustice, let them putrefy in Cranborne Alley. Make just laws, and let squires live and die where they please.

The evidence collected in the House of Commons respecting the Game Laws is so striking and so decisive against the gentlemen of the trigger, that their only resource is to represent it as not worthy of belief. But why not worthy of belief? It is not stated what part of it is incredible. Is it the plenty of game in London for sale? the infrequency of convictions? the occasional but frequent excess of supply above demand in an article supplied by stealing? or its destruction when the sale is not without risk, and the price extremely low? or the readiness of grandees to turn the excess of their game into fish or poultry? All these circumstances appear to us so natural and so likely, that we should, without any evidence, have had little doubt of their existence. There are a few absurdities in the evidence of one of the poulterers; but, with this excep-

tion, we see no reason whatever for impugning the credibility and exactness of the mass of testimony prepared by the Committee.

It is utterly impossible to teach the common people to respect property in animals bred the possessor knows not where — which he cannot recognise by any mark, which may leave him the next moment, which are kept, not for his profit, but for his amusement. Opinion never will be in favour of such property: if the *animus furandi* exists, the propensity will be gratified by poaching. It is in vain to increase the severity of the protecting laws. They make the case weaker, instead of stronger; and are more resisted and worse executed, exactly in proportion as they are contrary to public opinion: — the case of the game laws is a memorable lesson upon the philosophy of legislation. If a certain degree of punishment does not cure the offence, it is supposed, by the Bankes' School, that there is nothing to be done but to multiply this punishment by two, and then again and again, till the object is accomplished. The efficient maximum of punishment, however, is not what the Legislature chooses to enact, *but what the great mass of mankind think the maximum ought to be.* The moment the punishment passes this Rubicon, it becomes less and less, instead of greater and greater. Juries and Magistrates will not commit—informers* are afraid of public indignation—poachers will not submit to be sent to Botany Bay without a battle—blood is shed for pheasants—the public attention is called to this preposterous state of the law—and even ministers (whom nothing pesters so much as the interests of humanity) are at last compelled to come forward and do what is right. Apply this to the game laws. It was before

* There is a remarkable instance of this in the new Turnpike Act. The penalty for taking more than the legal number of outside passengers is ten pounds per head, if the coachman is in part or wholly the owner. This will rarely be levied; because it is too much. A penalty of 100*l.* would produce perfect impunity. The maximum of practical severity would have been about five pounds. Any magistrate would cheerfully levy this sum; while doubling it will produce reluctance in the Judge, resistance in the culprit, and unwillingness in the informer.

penal to sell game: within these few years, it has been made penal to buy it. From the scandalous cruelty of the law, night poachers are transported for seven years. And yet, never was so much game sold, or such a spirit of ferocious resistance excited to the laws. One fourth of all the commitments in Great Britain are for offences against the game laws. There is a general feeling that some alteration *must* take place — a feeling not only among Reviewers, who never see nor eat game, but among the double-barrelled, shot-belted members of the House of Commons, who are either alarmed or disgusted by the vice and misery which their cruel laws and childish passion for amusement are spreading among the lower orders of mankind.

It is said, 'In spite of all the game sold, there is game enough left; let the laws therefore remain as they are;' and so it was said formerly, 'There is sugar enough; let the slave trade remain as it is.' But at what expense of human happiness is this quantity of game or of sugar, and this state of poacher law and slave law, to remain! The first object of a good government is not that rich men should have their pleasures in perfection, but that all orders of men should be good and happy; and if crowded covies and chuckling cock-pheasants are only to be procured by encouraging the common people in vice, and leading them into cruel and disproportionate punishment, it is the duty of the government to restrain the cruelties which the country members, in reward for their assiduous loyalty, have been allowed to introduce into the game laws.

The plan of the new bill (long since anticipated, in all its provisions, by the acute author of the pamphlet before us,) is, that the public at large should be supplied by persons licensed by magistrates, and that all qualified persons should be permitted to sell their game to these licensed distributors; and there seems a fair chance that such a plan would succeed. The questions are, Would sufficient game come into the hands of the licensed salesman? Would the licensed salesman con-

fine himself to the purchase of game from qualified persons? Would buyers of game purchase elsewhere than from the licensed salesman? Would the poacher be undersold by the honest dealer? Would game remain in the same plenty as before? It is understood that the game laws are to remain as they are; with this only difference, that the qualified man can sell to the licensed man, and the licentiate to the public.

It seems probable to us, that vast quantities of game would, after a little time, find their way into the hands of licensed poulterers. Great people are very often half eaten up by their establishments. The quantity of game killed in a large shooting party is very great; to eat it is impossible, and to dispose of it in presents very troublesome. The preservation of game is very expensive; and, when it could be bought, it would be no more a compliment to send it as a present than it would be to send geese and fowls. If game were sold very large shooting establishments might be made to pay their own expenses. The shame is made by the law; there is a disgrace in being detected and fined. If that barrier were removed, superfluous partridges would go to the poulterers as readily as superfluous venison does to the venison butcher—or as a gentleman sells the corn and mutton off his farm which he cannot consume. For these reasons, we do not doubt that the shops of licensed poulterers would be full of game in the season; and this part of the argument, we think, the arch-enemy, Sir John Shelley, himself would concede to us.

The next question is, From whence they would procure it? A license for selling game, granted by country magistrates, would, from their jealousy upon these subjects, be granted only to persons of some respectability and property. The purchase of game from unqualified persons would, of course, be guarded against by very heavy penalties, both personal and pecuniary; and these penalties would be inflicted, because opinion would go with them. 'Here is a respectable tradesman,' it would be said, 'who might have bought as

much game as he pleased in a lawful manner, but who, in order to increase his profits by buying it a little cheaper, has encouraged a poacher to steal it.' Public opinion, therefore, would certainly be in favour of a very strong punishment; and a licensed vendor of game, who exposed himself to these risks, would expose himself to the loss of liberty, property, character, and licence. The persons interested to put a stop to such a practice, would not be the paid agents of Government, as in cases of smuggling; but all the gentlemen of the country, the customers of the tradesman for fish, poultry, or whatever else he dealt in, would have an interest in putting down the practice. In all probability, the practice would become disreputable, like the purchase of stolen poultry; and this would be a stronger barrier than the strongest laws. There would, of course, be some exceptions to this statement. A few shabby people would, for the chance of gaining sixpence, incur the risk of ruin and disgrace; but it is probable that the general practice would be otherwise.

For the same reasons, the consumers of game would rather give a little more for it to a licensed poulterer, than expose themselves to severe penalties by purchasing from poachers. The great mass of London consumers are supplied now, not from shabby people, in whom they can have no confidence — not from hawkers and porters, but from respectable tradesmen, in whose probity they have the most perfect confidence. Men will brave the law for pheasants, but not for sixpence or a shilling; and the law itself is much more difficult to be braved, when it allows pheasants to be bought at some price, than when it endeavours to render them utterly inaccessible to wealth. All the licensed salesmen, too, would have a direct interest in stopping the contraband trade of game. They would lose no character in doing so; their informations would be reasonable and respectable.

If all this be true, the poacher would have to compete with a great mass of game fairly and honestly poured into the market. He would be selling with a rope

about his neck, to a person who bought with a rope about his neck; his description of customers would be much the same as the customers for stolen poultry, and his profits would be very materially abridged. At present, the poacher is in the same situation as the smuggler would be, if rum and brandy could not be purchased of any fair trader. The great check to the profits of the smuggler are, that, if you want his commodities, and will pay a higher price, you may have them elsewhere without the risk of disgrace. But forbid the purchase of these luxuries at any price. Shut up the shop of the brandy-merchant, and you render the trade of the smuggler of incalculable value. The object of the intended bill is, to raise up precisely the same competition to the trade of the poacher, by giving the public an opportunity of buying lawfully and honestly the tempting articles in which he now deals exclusively. Such an improvement would not, perhaps, altogether annihilate his trade; but it would, in all probability, act as a very material check upon it.

The predominant argument against all this is, that the existing prohibition against buying game, though partially violated, does deter many persons from coming into the market; that if this prohibition were removed, the demand for game would be increased, the legal supply would be insufficient, and the residue would, and must be, supplied by the poacher, whose trade would, for these reasons, be as lucrative and flourishing as before. But it is only a few years since the purchase of game has been made illegal; and the market does not appear to have been at all narrowed by the prohibition; not one head of game the less has been sold by the poulterers; and scarcely one single conviction has taken place under that law. How, then, would the removal of the prohibition, and the alteration of the law, extend the market, and increase the demand, when the enactment of the prohibition has had no effect in narrowing it? But if the demand increases, why not the legal supply also? Game is increased upon an estate by feeding them in winter, by making some

abatement to the tenants for guarding against depredations, by a large apparatus of gamekeepers and spies—in short by expense. But if this pleasure of shooting, so natural to country gentlemen, be made to pay its own expenses, by sending superfluous game to market, more men, it is reasonable to suppose, will thus preserve and augment their game. The love of pleasure and amusement will produce in the owners of game that desire to multiply game, which the love of gain does in the farmer to multiply poultry. Many gentlemen of small fortune will remember, that they cannot enjoy to any extent this pleasure without this resource; that the legal sale of poultry will discountenance poaching; and they will open an account with the poulterer, not to get richer, but to enjoy a great pleasure without an expense, in which, upon other terms, they could not honourably and conscientiously indulge. If country gentlemen of moderate fortune will do this (and we think after a little time they will do it), game may be multiplied and legally supplied to any extent. Another keeper, and another bean-stack, will produce their proportional supply of pheasants. The only reason why the great lord has more game per acre than the little squire is, that he spends more money per acre to preserve it.

For these reasons, we think the experiment of legalising the sale of game ought to be tried. The game laws have been carried to a pitch of oppression which is a disgrace to the country. The prisons are half filled with peasants, shut up for the irregular slaughter of rabbits and birds—a sufficient reason for killing a weasel, but not for imprisoning a man. Something should be done; it is disgraceful to a Government to stand by, and see such enormous evils without interference. It is true, they are not connected with the struggles of party: but still, the happiness of the common people, whatever gentlemen may say, ought every now and then to be considered.

CRUEL TREATMENT OF UNTRIED PRISONERS.

(E. REVIEW, 1824.)

1. *A Letter to the Right Honourable Robert Peel, one of His Majesty's Principal Secretaries of State, &c. &c. &c. on Prison Labour.* By John Headlam, M. A., Chairman of the Quarter Sessions for the North Riding of the County of York. London. Hatchard and Son, 1823.

2. *Information and Observations, respecting the proposed Improvements at York Castle.* Printed by Order of the Committee of Magistrates, September, 1823.

IT has been the practice, all over England, for these last fifty years*, not to *compel* prisoners to work before guilt was proved. Within these last three or four years, however, the magistrates of the North Riding of Yorkshire, considering it improper to support any idle person at the county expense, have resolved, that prisoners committed to the House of Correction for trial, and requiring county support, should work for their livelihood; and no sooner was the tread-mill brought into fashion, than that machine was adopted in the North Riding as the species of labour by which such prisoners were to earn their maintenance. If these magistrates did not consider themselves empowered to burden the county rates for the support of prisoners before trial, who would not contribute to support themselves, it does not appear, from the publication of the Reverend Chairman of the Sessions, that any opinions of Counsel were taken as to the legality of so putting prisoners to work, or of refusing them maintenance if they chose to be idle; but the magistrates themselves decided that such was the law of the land. Thirty miles off, however, the law of the land was differently interpreted; and in the Castle of York large sums were

* Headlam, p. 6.

annually expended in the maintenance of idle prisoners before trial, and paid by the different Ridings, without remonstrance or resistance.*

Such was the state of affairs in the county of York before the enactment of the recent prison bill. After that period, enlargements and alterations were necessary in the county jail; and it was necessary also for these arrangements, that the magistrates should know whether or not they were authorised to maintain such prisoners at the expense of the county, as, being accounted able and unwilling to work, still claimed the county allowance. To questions proposed upon these points to three barristers the following answers were returned:—

'2dly, I am of opinion, that the Magistrates are empowered, and are compelled to maintain, at the expense of the county, such prisoners *before* trial as are able to work, unable to maintain themselves, and not willing to work; and that they have not the power of compelling such prisoners to work, either at the tread-mill, or any other species of labour.

'J. GURNEY.

'*Lincoln's Inn Fields, 2d September*, 1823.'

'I think the magistrates are empowered, under the tenth section (explained by the 37th and 38th) to maintain prisoners before trial, who are able to work, unable to maintain themselves by their own means, or by employment which they themselves can procure, and not willing to work; and I think also, that the words "shall be lawful," in that section, do not leave them a discretion on the subject, but are compulsory. *Such* prisoners can only be employed in prison labour with *their own consent;* and it cannot be intended that the Justices may force such consent by withholding from them the necessaries of life, if they do not give it. Even those who are convicted cannot be employed at the tread-mill, which I consider as a species of *severe* labour.

'J. PARKE.

'*September 4th*, 1823.'

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* We mention the case of the North Riding, to convince our readers that the practice of condemning prisoners to work before trial has existed in some parts of England; for in questions like this we have always found it more difficult to prove the existence of the facts, than to prove that they were mischievous and unjust.

'2dly, As to the point of compelling prisoners confined on criminal charges, and receiving relief from the magistrates, to reasonable labour; to that of the tread-mill, for instance, in which, when properly conducted, there is nothing severe or unreasonable; had the question arisen prior to the late Act, I should with confidence have said, I thought the magistrates had a compulsory power in this respect. Those who cannot live without relief in a jail, cannot live without labour out of it. Labour then is their avocation. Nothing is so injurious to the morals and habits of the prisoner as the indolence prevalent in prisons; nothing so injurious to good order in the prison. The analogy between this and other cases of public support is exceedingly strong; one may almost consider it a general principle that those who live at the charge of the community shall as far as they are able, give the community a compensation through their labour. But the question does not depend on mere abstract reasoning. The stat. 19 Ch. 2. c. 4. sect. 1. entitled, an "Act for Relief of poor Prisoners, and setting them on work," speaks of persons committed for felony and other misdemeanors to the common jail who many times *perish before trial;* and then proceeds as to setting poor prisoners on work. Then stat. 31 G. 3. c. 46. sect. 13. orders money to be raised for such prisoners of every description, as, being confined within the said jails, or other places of confinement, *are not able to work.* A late stat. (52 G. 3. c. 160.) orders parish relief to such debtors on mesne process in jails, not county jails, as are not able to support themselves; but says nothing of finding or compelling work. Could it be doubted, that if the Justices were to provide work, and the prisoner refused it, such debtors might, like any other parish paupers, be refused the relief mentioned by the statute? In all the above cases, the authority to insist on the prisoner's labour, as the condition and consideration of relief granted him, is I think, either expressed or necessarily implied: and thus, viewing the subject, I think it was in the power of magistrates prior to the late statute, to compel prisoners, subsisting in all or in part on public relief, to work at the tread-mill. The objection commonly made is, that prisoners, prior to trial, are to be accounted innocent, and to be detained, merely that they may be secured for trial; to this the answer is obvious, that the labour is neither meant as a punishment, or a disgrace, but simply as a compensation for the relief, at their own request, afforded them. Under the present statute, I, however, have no doubt that poor prisoners are entitled to public support, and that there can be no compulsory labour prior to trial. The two statutes adverted to (19 Ch. 2. c. 4. and 31 G. 3.) are, as far as

this subject is concerned, expressly repealed. The Legislature then had in contemplation the existing power of magistrates to order labour before trial, and having it in contemplation, repeals it; substituting (sect. 38.) a power of setting to labour *only sentenced persons.* The 13th rule, too, (p. 777.) speaks of labour as connected with convicted prisoners, and sect. 37. speaks in general terms of persons committed for trial, as labouring with their own consent. In opposition to these clauses, I think it impossible to speak of implied power, or power founded on general reasoning or analogy. So strong, however, are the arguments in favour of a more extended authority in Justices of the Peace, that it is scarcely to be doubted, that Parliament, on a calm revision of the subject, would be willing to restore, in a more distinct manner than it has hitherto been enacted, a general discretion on the subject. Were this done, there is one observation I will venture to make, which is, that should some unfortunate association of ideas render the tread-mill a matter of ignominy to common feelings, an enlightened magistracy would scarcely compel an untried prisoner to a species of labour which would disgrace him in his own mind, and in that of the public.

'S. W. NICOLL.

'*York, August 27th,* 1823.'

In consequence, we believe, of these opinions, the North Riding magistrates, on the 13th of October (the new bill commencing on the 1st of September), passed the following resolution:—"That persons committed for trial, who are able to work, and have the means of employment offered them by the visiting magistrates, by which they may earn their support, but who obstinately refuse to work, shall be allowed bread and water only."

By this resolution they admit, of course, that the counsel are right in their interpretation of the present law; and that magistrates are forced to maintain prisoners before trial who do not choose to work. The magistrates say, however, by their resolution, that the food shall be of the plainest and humblest kind, bread and water; meaning, of course, that such prisoners should have a sufficient quantity of bread and water, or otherwise the evasion of the law would be in the highest degree mean and reprehensible. But it is impossible to

suppose any such thing to be intended by gentlemen so highly respectable. Their intention is not that idle persons before trial shall starve, but that they shall have barely enough of the plainest food for the support of life and health.

Mr. Headlam has written a pamphlet to show that the old law was very reasonable and proper; that it is quite right that prisoners before trial, who are able to support themselves, but unwilling to work, should be compelled to work, and at the tread-mill, or that all support should be refused them. We are entirely of an opposite opinion: and maintain that it is neither legal nor expedient to *compel* prisoners before trial to work at the tread-mill, or at any species of labour, and that those who refuse to work should be supported upon a plain healthy diet. We impute no sort of blame to the magistrates of the North Riding, or to Mr. Headlam, their Chairman. We have no doubt but that they thought their measures the wisest and the best for correcting evil, and that they adopted them in pursuance of what they thought to be their duty. Nor do we enter into any discussion with Mr. Headlam, as Chairman of a Quarter Sessions, but as the writer of a pamphlet. It is only in his capacity of author that we have any thing to do with him. In answering the arguments of Mr. Headlam, we shall notice, at the same time, a few other observations commonly resorted to in defence of a system which we believe to be extremely pernicious, and pregnant with the worst consequences; and so thinking, we contend against it, and in support of the law as it now stands.

We will not dispute with Mr. Headlam, whether his exposition of the old law be right or wrong; because time cannot be more unprofitably employed than in hearing gentlemen who are not lawyers discuss points of law. We dare to say Mr. Headlam knows as much of the laws of his country as magistrates in general do; but he will pardon us for believing, that for the moderate sum of three guineas a much better opinion of what the law is now, or was then, can be purchased, than it is in

the power of Mr. Headlam or of any county magistrate, to give for nothing—*Cuilibet in arte sua credendum est.* It is concerning the expediency of such laws, and upon that point alone, that we are at issue with Mr. Headlam; and do not let this gentleman suppose it to be any answer to our remarks to state what is done in the prison in which he is concerned, now the law is altered. The question is, whether he is right or wrong in his reasoning upon what the law *ought* to be; we wish to hold out such reasoning to public notice, and think it important it should be refuted — doubly important, when it comes from an author, the leader of the Quorum, who may say with the pious Æneas,—

> —— Quæque ipse miserrima vidi,
> Et *quorum* pars magna fui.

If, in this discussion, we are forced to insist upon the plainest and most elementary truths, the fault is not with us, but with those who forget them; and who refuse to be any longer restrained by those principles which have hitherto been held to be as clear as they are important to human happiness.

To begin, then, with the nominative case and the verb — we must remind those advocates for the tread-mill, *a parte ante* (for with the millers *a parte post* we have no quarrel), that it is one of the oldest maxims of common sense, common humanity, and common law, to consider every man as innocent till he is proved to be guilty; and not only to consider him to be innocent, but to treat him as if he were so; to exercise upon his case not merely a barren speculation, but one which produces practical effects, and which secures to a prisoner the treatment of an honest, unpunished man. Now, to compel prisoners before trial to work at the tread-mill, as the condition of their support, must, in a great number of instances, operate as a very severe punishment. A prisoner may be a tailor, a watch-maker, a bookbinder, a printer, totally unaccustomed to any such species of labour. Such a man may be cast

into jail at the end of August*, and not tried till the March following, is it no punishment to such a man to walk up hill like a turnspit dog, in an infamous machine, for six months? and yet there are gentlemen who suppose that the common people do not consider this as punishment! — that the gayest and most joyous of human beings is a treader, untried by a jury of his countrymen, in the fifth month of lifting up the leg, and striving against the law of gravity, supported by the glorious information which he receives from the turnkey, that he has all the time been grinding flour on the other side of the wall! If this sort of exercise, necessarily painful to sedentary persons, is agreeable to persons accustomed to labour, then make it voluntary — give the prisoners their choice — give more money and more diet to those who can and will labour at the tread-mill, if the tread-mill (now so dear to magistrates) is a proper punishment for untried prisoners. The position we are contending against is, that all poor prisoners who are able to work should be put to work upon the tread-mill, the inevitable consequence of which practice is, a repetition of gross injustice by the infliction of undeserved punishment; for punishment, and severe punishment, to such persons as we have enumerated, we must consider it to be.

But punishments are not merely to be estimated by pain to the limbs, but by the feelings of the mind. Gentlemen punishers are sometimes apt to forget that the common people have any mental feelings at all, and think, if body and belly are attended to, that persons under a certain income have no right to likes and dislikes. The labour of the tread-mill is irksome, dull, monotonous, and disgusting to the last degree. A man does not see his work, does not know what he is doing, what progress he is making; there is no room for art,

* Mr. Headlam, as we understand him, would extend this labour to all poor prisoners before trial, in jails which are delivered twice a year at the Assizes, as well as to Houses of Correction delivered four times a year at the Sessions; i. e. not extend the labour, but refuse all support to those who refuse the labour — a distinction, but not a difference.

contrivance, ingenuity, and superior skill — all which are the cheering circumstances of human labour. The husbandman sees the field gradually subdued by the plough; the smith beats the rude mass of iron by degrees into its meditated shape, and gives it a meditated utility; the tailor accommodates his parallelogram of cloth to the lumps and bumps of the human body, and, holding it up, exclaims, 'This will contain the lower moiety of a human being.' But the treader does nothing but tread; he sees no change of objects, admires no new relation of parts, imparts no new qualities to matter, and gives to it no new arrangements and positions; or, if he does, he sees and knows it not, but is turned at once from a rational being, by a justice of peace, into a *primum mobile*, and put upon a level with a rush of water or a puff of steam. It is impossible to get gentlemen to attend to the distinction between raw and roasted prisoners, without which all discussion on prisoners is perfectly ridiculous. Nothing can be more excellent than this kind of labour for persons to whom you mean to make labour as irksome as possible; but for this very reason, it is the labour to which an untried prisoner ought not to be put.

It is extremely uncandid to say that a man is obstinately and incorrigibly idle, because he will not submit to such tiresome and detestable labour as that of the tread-mill. It is an old feeling among Englishmen that there is a difference between tried and untried persons, between accused and convicted persons. These old opinions were in fashion before this new magistrate's plaything was invented; and we are convinced that many industrious persons, feeling that they have not had their trial, and disgusted with the nature of the labour, would refuse to work at the tread-mill, who would not be averse to join in any common and fair occupation. Mr. Headlam says, that labour may be a privilege as well as a punishment. So may taking physic be a privilege, in cases where it is asked for as a charitable relief, but not if it is stuffed down a man's throat whether he say yea or nay. Certainly labour is

not necessarily a punishment: nobody has said it is so; but Mr. Headlam's labour is a punishment, because it is irksome, infamous, unasked for, and undeserved. This gentleman however observes, that committed persons *have offended the laws;* and the sentiment expressed in these words is the true key to his pamphlet and his system — a perpetual tendency to confound the convicted and the accused.

'With respect to those sentenced to labour as a punishment, I apprehend there is no difference of opinion. All are agreed that it is a great defect in any prison where such convicts are unemployed. But as to all *other* prisoners, whether debtors, *persons committed for trial*, or convicts not sentenced to hard labour, if they have no means of subsisting themselves, and must, if discharged, either labour for their livelihood or apply for parochial relief; it seems unfair to society at large, and especially to those who maintain themselves by honest industry, that those who, *by offending the laws, have subjected themselves to imprisonment*, should be lodged, and clothed, and fed, without being called upon for the same exertions which others have to use to obtain such advantages.' — *Headlam*, pp. 23, 24.

Now nothing can be more unfair than to say that such men have offended the laws. That is the very question to be tried, whether they have offended the laws or not? It is merely because this little circumstance is taken for granted, that we have any quarrel at all with Mr. Headlam and his school.

'I can make,' says Mr. Headlam, 'every delicate consideration for the rare case of a person perfectly innocent being committed to jail on suspicion of crime. Such person is deservedly an object of compassion, for having fallen under circumstances which subject him to be charged with crime, and, consequently, to be deprived of his liberty: but if he has been in the habit of labouring for his bread before his commitment, there does not appear to be any addition to his misfortune in being called upon to work for his subsistence in prison.' — *Headlam*, p. 24.

And yet Mr. Headlam describes this very punishment, which does not add to the misfortunes of an innocent man, to be *generally disagreeable, to* be *dull, irksome, to*

excite a strong dislike, to be a dull, monotonous, labour, to be a contrivance which connects the idea of discomfort with a jail (p. 36.). So that Mr. Headlam looks upon it to be no increase of an innocent man's misfortunes, to be constantly employed upon a dull, irksome, monotonous labour, which excites a strong dislike, and connects the idea of discomfort with a jail. We cannot stop, or stoop to consider, whether beating hemp is more or less dignified than working in a mill. The simple rule is this, — whatever felons do, men not yet proved to be felons should not be compelled to do. It is of no use to look into laws become obsolete by alteration of manners. For these fifty years past, and before the invention of tread-mills, untried men were not put upon felons' work; but with the mill came in the mischief. Mr. Headlam asks, How can men be employed upon the ancient trades in a prison? — certainly they cannot; but are human occupations so few, and is the ingenuity of magistrates and jailers so limited, that no occupations can be found for innocent men, but those which are shameful and odious? Does Mr. Headlam really believe, that grown up and baptized persons are to be satisfied with such arguments, or repelled by such difficulties.

It is some compensation to an acquitted person, that the labour he has gone through unjustly in jail has taught him some trade, given him an insight into some species of labour in which he may hereafter improve himself; but Mr. Headlam's prisoner, after a verdict of acquittal, has learnt no other art than that of walking up hill; he has nothing to remember or recompense him but three months of undeserved and unprofitable torment. The verdict of the Jury has pronounced him steady in his morals; the conduct of the Justices has made him stiff in his joints.

But it is next contended by some persons, that the poor prisoner is not compelled to work, because he has the alternative of starving, if he refuses to work. You take up a poor man upon suspicion, deprive him of all his usual methods of getting his livelihood, and then

giving him the first view of the tread-mill, he of the Quorum thus addresses him: — "My amiable friend, we use no compulsion with untried prisoners. You are free as air till you are found guilty; only it is my duty to inform you, as you have no money of your own, that the disposition to eat and drink which you have allowed you sometimes feel, and upon which I do not mean to cast any degree of censure, cannot possibly be gratified but by constant grinding in this machine. It has its inconveniences, I admit; but balance them against the total want of meat and drink, and decide for yourself. You are perfectly at liberty to make your choice, and I by no means wish to influence your judgment." But Mr. Nicoll has a curious remedy for all this miserable tyranny; he says it is not meant as a punishment. But if I am conscious that I never have committed the offence, certain that I have never been found guilty of it, and find myself tost into the middle of an infernal machine, by the folly of those who do not know how to use the power intrusted to them, is it any consolation to me to be told, that it is not *intended* as a punishment, that it is a lucubration of Justices, a new theory of prison-discipline, a valuable county experiment going on at the expense of my arms, legs, back, feelings, character, and rights? We must tie those prægustant punishers down by one question. Do you mean to inflict any degree of punishment upon persons merely for being suspected? — or at least any other degree of punishment than that without which criminal justice cannot exist, detention? If you do, why let any one out upon bail? For the question between us is not, how suspected persons are to be treated, and whether or not they are to be punished; but how suspected *poor* persons are to be treated, who want county support in prison. If to be suspected is deserving of punishment, then no man ought to be let out upon bail, but *every one* should be kept grinding from accusation to trial; and so ought *all* prisoners to be treated for offences not bailable, and who do not want the county

allowance. And yet no grinding philosopher contends, that all suspected persons should be put in the mill—but only those who are too poor to find bail, or buy provisions.

If there are, according to the doctrines of the millers, to be two punishments, the first for being suspected of committing the offence, and the second for committing it, there should be two trials as well as two punishments. Is the man really suspected, or do his accusers only pretend to suspect him? Are the suspecting of better character than the suspected? Is it a light suspicion which may be atoned for by grinding a peck a day? Is it a bushel case? or is it one deeply criminal, which requires the flour to be ground fine enough for French rolls? But we must put an end to such absurdities.

It is very untruly stated, that a prisoner, before trial, not compelled to work, and kept upon a plain diet, merely sufficient to maintain him in health, is better off than he was previous to his accusation; and it is asked, with a triumphant leer, whether the situation of any man ought to be improved, merely because he has become an object of suspicion to his fellow creatures? This happy and fortunate man, however, is separated from his wife and family; his liberty is taken away; he is confined within four walls; he has the reflection that his family are existing upon a precarious parish support, that his little trade and property are wasting, that his character has become infamous, that he has incurred ruin by the malice of others, or by his own crimes, that in a few weeks he is to forfeit his life, or be banished from every thing he loves upon earth. This is the improved situation, and the redundant happiness which requires the penal circumvolutions of the Justice's mill to cut off so unjust a balance of gratification, and bring him a little nearer to what he was before imprisonment and accusation. It would be just as reasonable to say, that an idle man in a fever is better off than a healthy man who is well and earns his bread. He may be better off if you look to the idleness alone, though that is doubtful; but is he better off if all the aches, agonies,

disturbances, deliriums, and the nearness to death, are added to the lot?

Mr. Headlam's panacea for all prisoners before trial, is the tread-mill: we beg his pardon — for all *poor* prisoners; but a man who is about to be tried for his life, often wants all his leisure time to reflect upon his defence. The exertions of every man within the walls of a prison are necessarily crippled and impaired. What can a prisoner answer who is taken hot and reeking from the tread-mill, and asked what he has to say in his defence? his answer naturally is — 'I have been grinding corn instead of thinking of my defence, and have never been allowed the proper leisure to think of protecting my character and my life.' This is a very strong feature of cruelty and tyranny in the mill. We ought to be sure that every man has had the fullest leisure to prepare for his defence, that his mind and body have not been harassed by vexatious and compulsory employment. The public purchase, at a great price, legal accuracy, and legal talent, to accuse a man who has not, perhaps, one shilling to spend upon his defence. It is atrocious cruelty not to leave him full leisure to write his scarcely legible letters to his witnesses, and to use all the melancholy and feeble means which suspected poverty can employ for its defence against the long and heavy arm of power.

A prisoner, upon the system recommended by Mr. Headlam, is committed, perhaps at the end of August, and brought to trial the March following; and, after all, the bill is either thrown out by the grand jury, or the prisoner is fully acquitted; and it has been found, we believe, by actual returns, that, of committed prisoners, about a half are actually acquitted, or their accusations dismissed by the grand jury. This may be very true, say the advocates of this system, but we know that many men who are acquitted are guilty. They escape through some mistaken lenity of the law, or some corruption of evidence; and as they have not had their deserved punishment after trial, we are not sorry they had it before. The English law says, better many

guilty escape, than that one innocent man perish; but the humane notions of the mill are bottomed upon the principle, that all had better be punished lest any escape. They evince a total mistrust in the jurisprudence of the country, and say the results of trial are so uncertain, that it is better to punish all the prisoners before they come into Court. Mr. Headlam forgets that general rules are not beneficial in each individual instance, but beneficial upon the whole; that they are preserved because they do much more good than harm, though in some particular instances they do more harm than good; yet no respectable man violates them on that account, but holds them sacred for the great balance of advantage they confer upon mankind. It is one of the greatest crimes, for instance, to take away the life of a man; yet there are many men whose death would be a good to society, rather than an evil. Every good man respects the property of others; yet to take from a worthless miser, and to give it to a virtuous man in distress, would be an advantage. Sensible men are never staggered when they see the exception. They know the importance of the rule, and protect it most eagerly at the very moment when it is doing more harm than good. The plain rule of justice is, that no man should be punished till he is found guilty; but because Mr. Headlam occasionally sees a bad man acquitted under this rule, and sent out unpunished upon the world, he forgets all the general good and safety of the principle is debauched by the exception, and applauds and advocates a system of prison discipline which renders injustice certain, in order to prevent it from being occasional.

The meaning of all preliminary imprisonment is, that the accused person should be forthcoming at the time of trial. It was never intended as a punishment. Bail is a far better invention than imprisonment, in cases where the heavy punishment of the offence would not induce the accused person to run away from any bail. Now, let us see the enormous difference this new style of punishment makes between two men, whose only differ-

ence is, that one is poor and the other rich. A and B are accused of some bailable offence. A has no bail to offer, and no money to support himself in prison, and takes, therefore, his four or five months in the tread-mill. B gives bail, appears at his trial, and both are sentenced to two months' imprisonment. In this case, the one suffers three times as much as the other for the same offence: but suppose A is acquitted and B found guilty, — the innocent man has then laboured in the tread-mill five months because he was poor, and the guilty man labours two months because he was rich. We are aware that there must be, even without the tread-mill, a great and an inevitable difference between men (*in pari delicto*), some of whom can give bail, and some not; but that difference becomes infinitely more bitter and objectionable, in proportion as detention before trial assumes the character of severe and degrading punishment.

If motion in the tread-mill was otherwise as fascinating as millers describe it to be, still the mere degradation of the punishment is enough to revolt every feeling of an untried person. It is a punishment consecrated to convicted felons — and it has every character that such punishment ought to have. An untried person feels at once, in getting into the mill, that he is put to the labour of the guilty; that a mode of employment has been selected for him, which renders him infamous before a single fact or argument has been advanced to establish his guilt. If men are put into the tread-mill before trial, it is literally of no sort of consequence whether they are acquitted or not. Acquittal does not shelter them from punishment, for they have already been punished. It does not screen them from infamy, for they have already been treated as if they were infamous; and the association of the tread-mill and crimes is not to be got over. This machine flings all the power of Juries into the hands of the magistrates, and makes every simple commitment more terrible than a conviction; for, in a conviction, the magistrate considers whether the offence has been

committed or not; and does not send the prisoner to jail unless he think him guilty; but in a simple commitment, a man is not sent to jail because the magistrate is convinced of his guilt, but because he thinks a fair question may be made to a Jury whether the accused person is guilty or not. Still, however, the convicted and the suspected both go to the same mill; and he who is there upon the doubt, grinds as much flour as the other whose guilt is established by a full examination of conflicting evidence.

Where is the necessity for such a violation of common sense and common justice? Nobody asks for the idle prisoner before trial more than a very plain and moderate diet. Offer him, if you please, some labour which is less irksome, and less infamous than the tread-mill,—bribe him by improved diet, and a share of the earnings; there will not be three men out of an hundred who would refuse such an invitation, and spurn at such an improvement of their condition. A little humane attention and persuasion, among men who ought, upon every principle of justice, to be considered as innocent, we should have thought much more consonant to English justice, and to the feelings of English magistrates, than the Rack and Wheel of Cubitt.*

Prison discipline is an object of considerable importance; but the common rights of mankind, and the common principles of justice, and humanity, and liberty, are of greater consequence even than prison discipline. Right and wrong, innocence and guilt, must not be confounded, that a prison-fancying Justice may bring his friend into the prison and say, 'Look what a spectacle of order, silence, and decorum we have established here! no idleness, all grinding!—we produce a penny roll every second,—our prison is supposed to be the best regulated prison in England,—Cubitt is making us a new wheel of forty-felon power,—look how white the flour is, all done by untried prisoners—as innocent as lambs!'

* It is singular enough, that we use these observations in reviewing the pamphlet and system of a gentleman remarkable for the urbanity of his manners, and the mildness and humanity of his disposition.

If prison discipline be to supersede every other consideration, why are penniless prisoners alone to be put into the mill before trial? If idleness in jails is so pernicious, why not put all prisoners in the tread-mill, the rich as well as those who are unable to support themselves? Why are the debtors left out? If fixed principles are to be given up, and prisons turned into a plaything for magistrates, nothing can be more unpicturesque than to see one half of the prisoners looking on, talking, gaping, and idling, while their poorer brethren are grinding for dinners and suppers.

It is a very weak argument to talk of the prisoners earning their support, and the expense to a county of maintaining prisoners before trial, — as if any rational man could ever expect to gain a farthing by an expensive mill, where felons are the moving power, and justices the superintendents, or as if such a trade must not necessarily be carried on at a great loss. If it were just and proper that prisoners, before trial, should be condemned to the mill, it would be of no consequence whether the county gained or lost by the trade. But the injustice of the practice can never be defended by its economy; and the fact is, that it increases expenditure, while it violates principle. We are aware, that by leaving out repairs, alterations, and first costs, and a number of little particulars, a very neat account, signed by a jailer, may be made up, which shall make the mill a miraculous combination of mercantile speculation and moral improvement; but we are too old for all this. We accuse nobody of intentional misrepresentation. This is quite out of the question with persons so highly respectable; but men are constantly misled by the spirit of system, and egregiously deceive themselves — even very good and sensible men.

Mr. Headlam compares the case of a prisoner before trial, claiming support, to that of a pauper claiming relief from his parish. But it seems to us that no two cases can be more dissimilar. The prisoner was no pauper before you took him up, and deprived him of his customers, tools, and market. It is by your act

and deed that he is fallen into a state of pauperism; and nothing can be more preposterous, than first to make a man a pauper, and then to punish him for being so. It is true, that the apprehension and detention of the prisoner were necessary for the purposes of criminal justice; but the consequences arising from this necessary act cannot yet be imputed to the prisoner. He has brought it upon himself, it will be urged; but that remains to be seen, and will not be known till he is tried; and till it is known you have no right to take it for granted, and to punish him as if it were proved.

There seems to be in the minds of some gentlemen a notion, that when once a person is in prison, it is of little consequence how he is treated afterwards. The tyranny which prevailed, of putting a person in a particular dress before trial, now abolished by act of Parliament, was justified by this train of reasoning:—The man has been rendered infamous by imprisonment. He cannot be rendered more so, dress him as you will. His character is not rendered worse by the tread-mill, than it is by being sent to the place where the tread-mill is at work. The substance of this way of thinking is, that when a fellow creature is in the frying-pan, there is no harm in pushing him into the fire; that a little more misery — a little more infamy — a few more links, are of no sort of consequence in a prison-life. If this monstrous style of reasoning extended to hospitals as well as prisons, there would be no harm in breaking the small bone of a man's leg, because the large one was fractured, or in peppering with small shot a person who was wounded with a cannon-ball. The principle is, because a man is very wretched, there is no harm in making him a little more so. The steady answer to all this is, that a man is imprisoned before trial, *solely* for the purpose of securing his appearance at his trial; and that no punishment nor privation, not clearly and candidly necessary for that purpose, should be inflicted upon him. I keep you in prison, because criminal justice would be defeated by your flight, if I did not; but

criminal justice can go on very well without degrading you to hard and infamous labour, or denying you any reasonable gratification. For these reasons, the first of those acts is just, the rest are mere tyranny.

Mr. Nicoll, in his opinion, tells us, that he has no doubt Parliament would amend the bill, if the omission were stated to them. We, on the contrary, have no manner of doubt that Parliament would treat such a petition with the contempt it deserved. Mr. Peel is much too enlightened and sensible to give any countenance to such a great and glaring error. In this case, — and we wish it were a more frequent one — the wisdom comes from within, and the error from without the walls of Parliament.

A prisoner before trial who can support himself, ought to be allowed every fair and rational enjoyment which he can purchase, not incompatible with prison discipline. He should be allowed to buy ale or wine in moderation, — to use tobacco, or any thing else he can pay for, within the above-mentioned limits. If he cannot support himself, and declines work, then he should be supported upon a very plain, but still a plentiful diet (something better, we think, than bread and water); and all prisoners before trial should be *allowed* to work. By a liberal share of earnings (or rather by rewards, for there would be no earnings), and also by an improved diet, and in the hands of humane magistrates*, there would soon appear to be no necessity for appealing to the tread-mill till trial was over.

This tread-mill, after trial, is certainly a very excellent method of punishment, as far as we are yet acquainted with its effects. We think, at present, however, it is a little abused; and hereafter it is our intention to express our opinion upon the limits to which it ought to be confined. Upon this point, however, we do not much differ from Mr. Headlam: although in

* All magistrates should remember, that nothing is more easy to a person entrusted with power than to convince himself it is his duty to treat his fellow creatures with severity and rigour, — and then to persuade himself that he is doing it very reluctantly, and contrary to his real feeling.

his remarks on the treatment of prisoners before trial, we think he has made a very serious mistake, and has attempted (without knowing what he was doing, and meaning, we are persuaded, nothing but what was honest and just) to pluck up one of the ancient landmarks of human justice.*

* We hope this article will conciliate our old friend Mr. Roscoe; who is very angry with us for some of our former lucubrations on prison discipline, —and, above all, because we are not grave enough for him. The difference is thus stated: — Six ducks are stolen. Mr. Roscoe would commit the man to prison for six weeks, perhaps,—reason with him, argue with him, give him tracts, send clergymen to him, work him gently at some useful trade, and try to turn him from the habit of stealing poultry. *We* would keep him hard at work twelve hours every day at the tread-mill, feed him only so as not to impair his health, and then give him as much of Mr. Roscoe's system as was compatible with our own; and we think our method would diminish the number of duck-stealers more effectually than that of the historian of Leo X. The primary duck-stealer would, we think, be as effectually deterred from repeating the offence by the terror of our imprisonment, as by the excellence of Mr. Roscoe's education — and, what is of infinitely greater consequence, innumerable duck-stealers would be prevented. Because punishment does not annihilate crime, it is folly to say it does not lessen it. It did not stop the murder of Mrs. Donatty; but how many Mrs. Donattys has it kept alive! When we recommend severity, we recommend, of course, that degree of severity which will not excite compassion for the sufferer, and lessen the horror of the crime. This is why we do not recommend torture and amputation of limbs. When a man has been proved to have committed a crime, it is expedient that society should make use of that man for the diminution of crime: he belongs to them for that purpose. Our primary duty, in such a case, is so to treat the culprit that many other persons may be rendered better, or prevented from being worse, by dread of the same treatment; and, making this the principal object, to combine with it as much as possible the improvement of the individual. The ruffian who killed Mr. Mumford was hung within forty-eight hours. Upon Mr. Roscoe's principles, this was wrong; for it certainly was not the way to reclaim the man: — We say, on the contrary, the object was to do any thing with the man which would render murders less frequent, and that the conversion of the man was a mere trifle compared to this. His death probably prevented the necessity of reclaiming a dozen murderers. That death will not, indeed, prevent all murders in that county; but many who have seen it, and many who have heard of it, will swallow their revenge from the dread of being hanged. Mr. Roscoe is very severe upon our style; but poor dear Mr. Roscoe should remember that men have different tastes and different methods of going to work. We feel these matters as deeply as he does. But why so cross upon this or any other subject?

AMERICA. (E. Review, 1824.)

1. *Travels through Part of the United States and Canada, in* 1818 *and* 1819. By John M. Duncan, A. B. Glasgow, 1823.
2. *Letters from North America, written during a Tour in the United States and Canada.* By Adam Hodgson. London, 1824.
3. *An Excursion through the United States and Canada, during the Years* 1822-3. By an English Gentleman. London, 1824.

There is a set of miserable persons in England, who are dreadfully afraid of America and every thing American — whose great delight is to see that country ridiculed and vilified — and who appear to imagine that all the abuses which exist in this country acquire additional vigour and chance of duration from every book of travels which pours forth its venom and falsehood on the United States. We shall from time to time call the attention of the public to this subject, not from any party spirit, but because we love truth, and praise excellence wherever we find it; and because we think the example of America will in many instances tend to open the eyes of Englishmen to their true interests.

The *Economy* of America is a great and important object for our imitation. The salary of Mr. Bagot, our late Ambassador, was, we believe, rather higher than that of the President of the United States. The Vice-President receives rather less than the second Clerk of the House of Commons; and all salaries, civil and military, are upon the same scale; and yet no country is better served than America! Mr. Hume has at last persuaded the English people to look a little into their accounts, and to see how sadly they are plundered. But we ought to suspend our contempt for America, and consider whether we have not a very momentous

lesson to learn from this wise and cautious people on the subject of economy.

A lesson on the importance of Religious Toleration, we are determined, it would seem, *not* to learn,—either from America, or from any other quarter of the globe. The high sheriff of New York, last year, was a Jew. It was with the utmost difficulty that a bill was carried this year to allow the first duke of England to carry a gold stick before the King—because he was a Catholic! —and yet we think ourselves entitled to indulge in impertinent sneers at America,—as if civilisation did not depend more upon making wise laws for the promotion of human happiness, than in having good inns, and post-horses, and civil waiters. The circumstances of the Dissenters' marriage bill are such as would excite the contempt of a Chictaw or Cherokee, if he could be brought to understand them. A certain class of Dissenters beg they may not be compelled to say that they marry in the name of the Trinity, because they do not believe in the Trinity. Never mind, say the corruptionists, you must go on saying you marry in the name of the Trinity whether you believe in it or not. We know that such a protestation from you will be false: but, unless you make it, your wives shall be concubines, and your children illegitimate. Is it possible to conceive a greater or more useless tyranny than this?

'In the religious freedom which America enjoys, I see a more unquestioned superiority. In Britain we enjoy toleration, but here they enjoy liberty. If Government has a right to grant toleration to any particular set of religious opinions, it has also a right to take it away; and such a right with regard to opinions exclusively religious I would deny in all cases, because totally inconsistent with the nature of religion, in the proper meaning of the word, and equally irreconcileable with civil liberty, rightly so called. God has given to each of us his inspired word, and a rational mind to which that word is addressed. He has also made known to us, that each for himself must answer at his tribunal for his principles and conduct. What man, then, or body of men, has a right to tell me, "You do not think aright on religious subjects, but we will tolerate your error?" The

answer is a most obvious one, "Who gave you authority to dictate?—or what exclusive claim have you to infallibility?" If my sentiments do not lead me into conduct inconsistent with the welfare of my fellow creatures, the question as to their accuracy or fallacy is one between God and my own conscience; and, though a fair subject for argument, is none for compulsion.

'The Inquisition undertook to regulate astronomical science, and kings and parliaments have with equal propriety presumed to legislate upon questions of theology. The world has outgrown the former, and it will one day be ashamed that it has been so long of outgrowing the latter. The founders of the American republic saw the absurdity of employing the attorney-general to refute deism and infidelity, or of attempting to influence opinion on abstract subjects by penal enactment; they saw also the injustice of taxing the whole to support the religious opinions of the few, and have set an example which older governments will one day or other be compelled to follow.

'In America the question is not, What is his creed?—but, What is his conduct? Jews have all the privileges of Christians; Episcopalians, Presbyterians, and Independents, meet on common ground. No religious test is required to qualify for public office, except in some cases a mere verbal assent to the truth of the Christian religion; and, in every court throughout the country, it is optional whether you give your affirmation or your oath.' —*Duncan's Travels*, II. 328—330.

In fact, it is hardly possible for any nation to show a greater superiority over another than the Americans, in this particular, have done over this country. They have fairly and completely, and probably for ever, extinguished that spirit of religious persecution which has been the employment and the curse of mankind for four or five centuries,—not only that persecution which imprisons and scourges for religious opinions, but the tyranny of incapacitation, which, by disqualifying from civil offices, and cutting a man off from the lawful objects of ambition, endeavours to strangle religious freedom in silence, and to enjoy all the advantages, without the blood, and noise, and fire of persecution. What passes in the mind of one mean blockhead is the general history of all persecution. 'This man pretends to know better than me—I cannot subdue him by argument; but I will take care he shall never be mayor

or alderman of the town in which he lives; I will never consent to the repeal of the Test Act or to Catholic Emancipation; I will teach the fellow to differ from me in religious opinions!' So says the Episcopalian to the Catholic — and so the Catholic says to the Protestant. But the wisdom of America keeps them all down — secures to them all their just rights — gives to each of them their separate pews, and bells, and steeples — makes them all aldermen in their turns — and quietly extinguishes the faggots which each is preparing for the combustion of the other. Nor is this indifference to religious subjects in the American people, but pure civilisation — a thorough comprehension of what is best calculated to secure the public happiness and peace — and a determination that this happiness and peace shall not be violated by the insolence of any human being, in the garb, and under the sanction, of religion. In this particular, the Americans are at the head of all the nations of the world: and at the same time they are, especially in the Eastern and Midland States, so far from being indifferent on subjects of religion, that they may be most justly characterised as a very religious people: but they are devout without being unjust (the great problem in religion); a higher proof of civilisation than painted tea-cups, water-proof leather or broad cloth at two guineas a yard.

America is exempted, by its very newness as a nation, from many of the evils of the old governments of Europe. It has no mischievous remains of feudal institutions, and no violations of political economy sanctioned by time, and older than the age of reason. If a man find a partridge upon his ground eating his corn, in any part of Kentucky or Indiana, he may kill it even if his father be not a Doctor of Divinity. The Americans do not exclude their own citizens from any branch of commerce which they leave open to all the rest of the world.

'One of them said, that he was well acquainted with a British subject, residing at Newark, Upper Canada, who annually smuggled from 500 to 1000 chests of tea into that province

from the United States. He mentioned the name of this man, who he said was growing very rich in consequence; and he stated the manner in which the fraud was managed. Now, as all the tea ought to be brought from England, it is of course very expensive; and therefore the Canadian tea dealers, after buying one or two chests at Montreal or elsewhere, which have the Custom-house mark upon them, fill them up ever afterwards with tea brought from the United States. It is calculated that near 10,000 chests are annually consumed in the Canadas, of which not more than 2000 or 3000 come from Europe. Indeed, when I had myself entered Canada, I was told that of every fifteen pounds of tea sold there thirteen were smuggled. The profit upon smuggling this article is from 50 to 100 per cent., and, with an extensive and wild frontier like Canada, cannot be prevented. Indeed it every year increases, and is brought to a more perfect system. But I suppose that the English Government, which is the perfection of wisdom, will never allow the Canadian merchants to trade direct to China, in order that (from pure charity) the whole profit of the tea trade may be given up to the United States.'—*Excursion*, pp. 394, 395.

'You will readily conceive, that it is with no small mortification that I hear these American merchants talk of sending their ships to London and Liverpool, to take in goods or specie, with which to purchase tea for the supply of European ports almost within sight of our own shores. They often taunt me, by asking me what our Government can possibly mean by prohibiting us from engaging in a profitable trade, which is open to them and to all the world? or where can be our boasted liberties, while we tamely submit to the infraction of our natural rights, to supply a monopoly as absurd as it is unjust, and to honour the caprice of a company who exclude their fellow subjects from a branch of commerce which they do not pursue themselves, but leave to the enterprise of foreigners, or commercial rivals? On such occasions I can only reply, that both our Government and people are growing wiser; and that if the charter of the East India Company be renewed, when it next expires, I will allow them to infer, that the people of England have little influence in the administration of their own affairs.'—*Hodgson's Letters*, II. 128, 129.

Though America is a confederation of republics, they are in many cases much more amalgamated than the various parts of Great Britain. If a citizen of the United States can make a shoe, he is at liberty to make a shoe any where between Lake Ontario and New Or-

leans,— he may sole on the Mississippi,— heel on the Missouri,— measure Mr. Birkbeck on the little Wabash, or take (which our best politicians do not find an easy matter) the length of Mr. Munro's foot on the banks of the Potowmac. But woe to the cobler, who, having made Hessian boots for the aldermen of Newcastle, should venture to invest with these coriaceous integuments the leg of a liege subject at York. A yellow ant in a nest of red ants — a butcher's dog in a fox-kennel — a mouse in a bee-hive, — all feel the effects of untimely intrusion;— but far preferable their fate to that of the misguided artisan, who, misled by sixpenny histories of England, and conceiving his country to have been united at the Heptarchy, goes forth from his native town to stitch freely within the sea-girt limits of Albion. Him the mayor, him the alderman, him the recorder, him the quarter sessions would worry. Him the justices before trial would long to get into the tread-mill*; and would much lament that, by a recent act, they could not do so, even with the intruding tradesman's consent; but the moment he was tried, they would push him in with redoubled energy, and

* This puts us in mind of our friend Mr. Headlam, who, we hear, has written an answer to our Observations on the Tread-mill before Trial. It would have been a very easy thing for us to have hung Mr. Headlam up as a spectacle to the United Kingdoms of England, Scotland, and Ireland, the principality of Wales, and the town of Berwick-on-Tweed; but we have no wish to make a worthy and respectable man appear ridiculous. For these reasons we have not even looked at his pamphlet, and we decline entering into a controversy upon a point, where, among men of sense and humanity (who had not heated themselves in the dispute), there cannot possibly be any difference of opinion. All members of both Houses of Parliament were unanimous in their condemnation of the odious and nonsensical practice of working prisoners in the tread-mill before trial. It had not one single advocate. Mr. Headlam and the magistrates of the North Riding, in their eagerness to save a relic of their prison system, forgot themselves so far as to petition to be intrusted with the power of putting prisoners to work before trial, *with their own consent*—the answer of the Legislature was, "We will not trust you,"—the severest practical rebuke ever received by any public body. We will leave it to others to determine whether it was deserved. We have no doubt the great body of magistrates meant well. They *must* have meant well— but they have been sadly misled, and have thrown odium on the subordinate administration of justice, which it is far from deserving on other occasions, in their hands. This strange piece of nonsense is, however, now well ended. — *Requiescat in pace!*

leave him to tread himself into a conviction of the barbarous institutions of his corporation-divided country.

Too much praise cannot be given to the Americans for their great attention to the subject of Education. All the public lands are surveyed according to the direction of Congress. They are divided into townships of six miles square, by lines running with the cardinal points, and consequently crossing each other at right angles. Every township is divided into 36 sections, each a mile square, and containing 640 acres. One section in each township is reserved, and given in perpetuity for the benefit of common schools. In addition to this the states of Tennessee and Ohio have received grants for the support of colleges and academies. The appropriation generally in the new States for seminaries of the higher orders, amount to one fifth of those for common schools. It appears from Seybert's Statistical Annals, that the land, in the states and territories on the east side of the Mississippi, in which appropriations have been made, amounts to 237,300 acres; and according to the ratio above mentioned, the aggregate on the east side of the Mississippi is 7,900,000. The same system of appropriation applied to the west, will make, for schools and colleges, 6,600,000; and the total appropriation for literary purposes, in the new states and territories, 14,500,000 acres, which, at two dollars per acre, would be 29,000,000 dollars. These facts are very properly quoted by Mr. Hodgson; and it is impossible to speak too highly of their value and importance. They quite put into the back-ground every thing which has been done in the Old World for the improvement of the lower orders, and confer deservedly upon the Americans the character of a wise, a reflecting, and a virtuous people.

It is rather surprising that such a people, spreading rapidly over so vast a portion of the earth, and cultivating all the liberal and useful arts so successfully, should be so extremely sensitive and touchy as the Americans are said to be. We really thought at one time they would have fitted out an armament against

the Edinburgh and Quarterly Reviews, and burnt down Mr. Murray's and Mr. Constable's shops, as we did the American Capitol. We, however, remember no other anti-American crime of which we were guilty, than a preference of Shakspeare and Milton over Joel Barlow and Timothy Dwight. That opinion we must still take the liberty of retaining. There is nothing in Dwight comparable to the finest passages of Paradise Lost, nor is Mr. Barlow ever humorous or pathetic, as the great Bard of the English stage is humorous and pathetic. We have always been strenuous* advocates for, and admirers of, America—not taking our ideas from the overweening vanity of the weaker part of the Americans themselves, but from what we have observed of their real energy and wisdom. It is very natural that we Scotch, who live in a little shabby scraggy corner of a remote island, with a climate which cannot ripen an apple, should be jealous of the aggressive pleasantry of more favoured people; but that Americans, who have done so much for themselves, and received so much from nature, should be flung into such convulsions by English Reviews and Magazines, is really a sad specimen of Columbian juvenility. We hardly dare to quote the following account of an American rout, for fear of having our motives misrepresented,—and strongly suspect that there are but few Americans who could be brought to admit that a Philadelphia or Boston concern of this nature is not quite equal to the most brilliant assemblies of London or Paris.

'A tea party is a serious thing in this country; and some of those at which I have been present in New York and elsewhere,

* Ancient women, whether in or out of breeches, will of course imagine that we are the enemies of the institutions of our country, because we are the admirers of the institutions of America: but circumstances differ. American institutions are too new, English institutions are ready made to our hands. If we were to build the house afresh, we might perhaps avail ourselves of the improvements of a new plan; but we have no sort of wish to pull down an excellent house, strong, warm, and comfortable, because, upon second trial we might be able to alter and amend it,—a principle which would perpetuate demolition and construction. Our plan, where circumstances are tolerable, is to sit down and enjoy ourselves.

have been on a very large scale. In the modern houses the two principal apartments are on the first floor, and communicate by large folding-doors, which on gala days throw wide their ample portals, converting the two apartments into one. At the largest party which I have seen, there were about thirty young ladies present, and more than as many gentlemen. Every sofa, chair, and footstool, were occupied by the ladies, and little enough room some of them appeared to have after all. The gentlemen were obliged to be content with walking up and down, talking now with one lady, now with another. Tea was brought in by a couple of blacks, carrying large trays, one covered with cups, the other with cake. Slowly making the round, and retiring at intervals for additional supplies, the ladies were gradually gone over; and after much patience the gentlemen began to enjoy the beverage "which cheers but not inebriates;" still walking about, or leaning against the wall, with the cup and saucer in their hand.

'As soon as the first course was over, the hospitable trays again entered, bearing a chaos of preserves—peaches, pine-apples, ginger, oranges, citrons, pears, &c. in tempting display. A few of the young gentlemen now accompanied the revolution of the trays, and sedulously attended to the pleasure of the ladies. The party was so numerous that the period between the commencement and the termination of the round was sufficient to justify a new solicitation; and so the ceremony continued, with very little intermission, during the whole evening. Wine succeeded the preserves, and dried fruit followed the wine; which, in its turn, was supported by sandwiches in the name of supper, and a forlorn-hope of confectionary and frost work. I pitied the poor blacks who, like Tantalus, had such a profusion of dainties the whole evening at their finger ends, without the possibility of partaking of them. A little music and dancing gave variety to the scene; which to some of us was a source of considerable satisfaction; for when a number of ladies were on the floor, those who cared not for the dance had the pleasure of getting a seat. About eleven o'clock I did myself the honour of escorting a lady home, and was well pleased to have an excuse for escaping.'—*Duncan's Travels*, II. 279, 280.

The coaches must be given up; so must the roads, and so must the inns. They are of course what these accommodations are in all new countries; and much like what English great-grandfathers talk about as existing in this country at the first period of their recollection. The great inconvenience of American inns,

however, in the eyes of an Englishmen, is one which more sociable travellers must feel less acutely — we mean the impossibility of being alone, of having a room separate from the rest of the company. There is nothing which an Englishman enjoys more than the pleasure of sulkiness, — of not being forced to hear a word from any body which may occasion to him the necessity of replying. It is not so much that Mr. Bull disdains to talk, as that Mr. Bull has nothing to say. His forefathers have been out of spirits for six or seven hundred years, and seeing nothing but fog and vapour, he is out of spirits too; and when there is no selling or buying, or no business to settle, he prefers being alone and looking at the fire. If any gentleman were in distress, he would willingly lend a helping hand; but he thinks it no part of neighbourhood to talk to a person because he happens to be near him. In short, with many excellent qualities, it must be acknowledged that the English are the most disagreeable of all the nations of Europe, — more surly and morose, with less disposition to please, to exert themselves for the good of society, to make small sacrifices, and to put themselves out of their way. They are content with Magna Charta and Trial by Jury; and think they are not bound to excel the rest of the world in small behaviour, if they are superior to them in great institutions.

We are terribly afraid that some Americans spit upon the floor, even when that floor is covered by good carpets. Now all claims to civilisation are suspended till this secretion is otherwise disposed of. No English gentleman has spit upon the floor since the Heptarchy.

The curiosity for which the Americans are so much laughed at, is not only venial, but laudable. Where men live in woods and forests, as is the case, of course, in remote American settlements, it is the duty of every man to gratify the inhabitants by telling them his name, place, age, office, virtues, crimes, children, fortune, and remarks: and with fellow travellers, it seems to be almost a matter of necessity to do so. When men ride together for 300 or 400 miles through woods and

prairies, it is of the greatest importance that they should be able to guess at subjects most agreeable to each other, and to multiply their common topics. Without knowing who your companion is, it is difficult to know both what to say and what to avoid. You may talk of honour and virtue to an attorney, or contend with a Virginian planter that men of a fair colour have no right to buy and sell men of a dusky colour. The following is a lively description of the rights of interrogation, as understood and practised in America.

'As for the *Inquisitiveness* of the Americans, I do not think it has been at all exaggerated.—They certainly are, as they profess to be, a very inquiring people; and if we may sometimes be disposed to dispute the claims of their *love of knowing* to the character of a liberal curiosity, we must at least admit that they make a most liberal use of every means in their power to gratify it. I have seldom, however, had any difficulty in repressing their home questions, if I wished it, and without offending them; but I more frequently amused myself by putting them on the rack, civilly, and apparently unconsciously, eluded their inquiries for a time, and then awakening their gratitude by such a discovery of myself as I might choose to make. Sometimes a man would place himself at my side in the wilderness, and ride for a mile or two without the smallest communication between us, except a slight nod of the head. He would then, perhaps, make some grave remark on the weather, and if I assented, in a monosyllable, he would stick to my side for another mile or two, when he would commence his attack. "I reckon, stranger, you do not belong to these parts?"—"No, sir; I am not a native of Alabama."—"I guess you are from the north?"—"No, sir; I am not from the north."—"I guess you found the roads mighty muddy, and the creeks swimming. You are come a long way, I guess?"—"No, not so very far; we have travelled a few hundred miles since we turned our faces westward."—"I guess you have seen Mr.——, or General——?" (mentioning the names of some well-known individuals in the Middle and Southern States, who were to serve as guide-posts to detect our route); but, "I have not the pleasure of knowing any of them," or, "I have the pleasure of knowing all," equally defeated his purpose, but not his hopes. "I reckon, stranger, you have had a good crop of cotton this year?"—"I am told, sir, the crops have been unusually abundant in Carolina and Georgia."—"You grow tobacco, then, I guess?" (to track me to Virginia). "No;

I do not grow tobacco." Here a modest inquirer would give up in despair, and trust to the chapter of accidents to develope my name and history; but I generally rewarded his modesty, and excited his gratitude, by telling him I would torment him no longer.

'The courage of a thorough-bred Yankee * would rise with his difficulties; and after a decent interval, he would resume: "I hope no offence, sir; but you know we Yankees lose nothing for want of asking. I guess, stranger, you are from the old country?"—"Well, my friend, you have guessed right at last, and I am sure you deserve something for your perseverance; and now I suppose it will save us both trouble if I proceed to the second part of the story, and tell you where I am going. I am going to New Orleans." This is really no exaggerated picture: dialogues, not indeed in these very words, but *to this effect*, occurred continually, and some of them more minute and extended than I can venture upon in a letter. I ought, however, to say, that many questions lose much of their familiarity when travelling in the wilderness. "Where are you from?" and "whither are you bound?" do not appear impertinent interrogations at sea; and often in the western wilds I found myself making inquiries which I should have thought very free and easy at home.'—*Hodgson's Letters*, II. 32—35.

In all new and distant settlements the forms of law must, of course, be very limited. No justice's warrant is current in the Dismal Swamp; constables are exceedingly puzzled in the neighbourhood of the Mississippi; and there is no tread-mill, either before or after trial, on the Little Wabash. The consequence of this is, that the settlers take the law into their own hands, and give notice to a justice-proof delinquent to quit the territory — if this notice is disobeyed, they assemble and whip the culprit, and this failing, on the second visit, they cut off his ears. In short, Captain Rock has his descendants in America. Mankind cannot live together without some approximation to justice; and if the actual government will not govern well, or cannot govern well, is too wicked or too weak to do so — then men prefer Rock to anarchy. The following is

* In America, the term Yankee is applied to the natives of New England only, and is generally used with an air of pleasantry.

the best account we have seen of this system of irregular justice.

'After leaving Carlyle, I took the Shawnee town road, that branches off to the S. E., and passed the Walnutt Hills, and Moore's Prairie. These two places had a year or two before been infested by a notorious gang of robbers and forgers, who had fixed themselves in these wild parts in order to avoid justice. As the country became more settled, these desperadoes became more and more troublesome. The inhabitants therefore took that method of getting rid of them that had been adopted not many years ago in Hopkinson and Henderson counties, Kentucky, and which is absolutely necessary in new and thinly settled districts, where it is almost impossible to punish a criminal according to legal forms.

'On such occasions, therefore, all the quiet and industrious men of a district form themselves into companies, under the name of "Regulators." They appoint officers, put themselves under their orders, and bind themselves to assist and stand by each other. The first step they then take is to send notice to any notorious vagabonds, desiring them to quit the state in a certain number of days, under the penalty of receiving a domiciliary visit. Should the person who receives the notice refuse to comply, they suddenly assemble, and when unexpected, go in the night time to the rogue's house, take him out, tie him to a tree, and give him a severe whipping, every one of the party striking him a certain number of times.

'This discipline is generally sufficient to drive off the culprit; but should he continue obstinate, and refuse to avail himself of another warning, the Regulators pay him a second visit, inflict a still severer whipping, with the addition probably of cutting off both his ears. No culprit has ever been known to remain after a second visit. For instance, an old man, the father of a family, all of whom he educated as robbers, fixed himself at Moore's Prairie, and committed numerous thefts, &c. &c. He was hardy enough to remain after the first visit, when both he and his sons received a whipping. At the second visit the Regulators punished him very severely, and cut off his ears. This drove him off, together with his whole gang; and travellers can now pass in perfect safety where it was once dangerous to travel alone.

'There is also a company of Regulators near Vincennes, who have broken up a notorious gang of coiners and thieves who had fixed themselves near that place. These rascals, before they were driven off, had parties settled at different distances in

the woods, and thus held communication and passed horses and stolen goods from one to another, from the Ohio to Lake Erie, and from thence into Canada or the New England States. Thus it was next to impossible to detect the robbers, or to recover the stolen property.

'This practice of *Regulating* seems very strange to an European. I have talked with some of the chief men of the Regulators, who all lamented the necessity of such a system. They very sensibly remarked, that when the country became more thickly settled, there would no longer be any necessity for such proceedings, and that they should all be delighted at being able to obtain justice in a more formal manner. I forgot to mention that the rascals punished have sometimes prosecuted the Regulators for an assault. The juries, however, knowing the bad character of the prosecutors, would give but trifling damages, which, divided among so many, amounted to next to nothing for each individual.'—*Excursion*, pp. 233—236.

This same traveller mentions his having met at table three or four American ex-kings — presidents who had served their time, and had retired into private life; he observes also upon the effect of a democratical government in preventing mobs. Mobs are created by opposition to the wishes of the people; — but when the wishes of the people are consulted so completely as they are consulted in America — all motives for the agency of mobs are done away.

'It is, indeed, entirely a government of opinion. Whatever the people wish is done. If they want any alteration of laws, tariffs, &c., they inform their representatives, and if there be a majority that wish it, the alteration is made at once. In most European countries there is a portion of the population denominated the *mob*, who, not being acquainted with real liberty, give themselves up to occasional fits of licentiousness. But in the United States there is no *mob*, for every man feels himself free. At the time of Burr's conspiracy, Mr. Jefferson said, that there was little to be apprehended from it, as every man felt himself a part of the general sovereignty. The event proved the truth of this assertion; and Burr, who in any other country would have been hanged, drawn, and quartered, is at present leading an obscure life in the city of New York despised by every one.'—*Excursion*, p. 70.

It is a real blessing for America to be exempted from

that vast burthen of taxes, the consequences of a long series of foolish just and necessary wars, carried on to please kings and queens, or the waiting-maids and waiting-lords or gentlemen, who have always governed kings and queens in the Old World. The Americans owe this good to the newness of their government; and though there are few classical associations or historical recollections in the United States, this barrenness is well purchased by the absence of all the feudal nonsense, inveterate abuses, and profligate debts of an old country.

'The good effects of a free government are visible throughout the whole country. There are no tithes, no poor-rates, no excise, no heavy internal taxes, no commercial monopolies. An American can make candles if he have tallow, can distil brandy if he have grapes or peaches, and can make beer if he have malt and hops, without asking leave of any one, and much less with any fear of incurring punishment. How would a farmer's wife there be astonished, if told that it was contrary to law for her to make soap out of the potass obtained on the farm, and of the grease she herself had saved! When an American has made these articles, he may build his little vessel, and take them without hinderance to any part of the world; for there is no rich company of merchants that can say to him, "You shall not trade to India; and you shall not buy a pound of tea of the Chinese; as, by so doing, you would infringe upon our privileges." In consequence of this freedom, all the seas are covered with their vessels, and the people at home are active and independent. I never saw a beggar in any part of the United States; nor was I ever asked for charity but once—and that was by an Irishman.' —*Excursion*, pp. 70, 71.

America is so differently situated from the old governments of Europe, that the United States afford no political precedents that are exactly applicable to our old governments. There is no idle and discontented population. When they have peopled themselves up to the Mississippi, they cross to the Missouri, and will go on till they are stopped by the Western Ocean; and then, when there are a number of persons who have nothing to do, and nothing to gain, no hope for lawful industry and great interest in promoting changes, we

may consider their situation as somewhat similar to our own, and their example as touching us more nearly. The changes in the constitution of the particular States seem to be very frequent, very radical, and to us very alarming; — they seem, however, to be thought very little of in that country, and to be very little heard of in Europe. Mr. Duncan, in the following passage, speaks of them with European feelings.

'The other great obstacle to the prosperity of the American nation, universal suffrage *, will not exhibit the full extent of its evil tendency for a long time to come; and it is possible that ere that time some antidote may be discovered, to prevent or alleviate the mischief which we might naturally expect from it. It does, however, seem ominous of evil, that so little ceremony is at present used with the constitutions of the various States. The people of Connecticut, not contented with having prospered abundantly under their old system, have lately assembled a convention, composed of delegates from all parts of the country, in which the former order of things has been condemned entirely and a completely new constitution manufactured; which, among other things, provides for the same process being again gone through as soon as the *profanum vulgus* takes it into its head to desire it.† A sorry legacy the British Constitution would be to us, if it were at the mercy of a meeting of delegates, to be summoned whenever a majority of the people took a fancy for a new one; and I am afraid, that if the Americans continue to cherish a fondness for such repairs, the Highlandman's pistol with its new stock, lock, and barrel, will bear a close resemblance to what is ultimately produced.' — *Duncan's Travels*, II. 335, 336.

In the Excursion there is a list of the American navy, which, in conjunction with the navy of France, will one day or another, we fear, settle the Catholic question in a way not quite agreeable to the Earl of Liverpool for the time being, nor very creditable to the

* In the greater number of the States, every white person, 21 years of age, who has paid taxes for one year, is a voter; in others, some additional qualifications are required, but they are not such as materially to limit the privilege.

† The people of the State of New York have subsequently taken a similar fancy to *clout the cauldron*. (1822.)

wisdom of those ancestors of whom we hear, and from whom we suffer so much. The regulations of the American navy seem to be admirable. The States are making great exertions to increase this navy; and since the capture of so many English ships, it has become the favourite science of the people at large. Their flotillas on the lakes completely defeated ours during the last war.

Fanaticism of every description seems to rage and flourish in America, which has no Establishment, in about the same degree which it does here under the nose of an Established Church;—they have their prophets and prophetesses, their preaching encampments, female preachers, and every variety of noise, folly, and nonsense, like ourselves. Among the most singular of these fanatics, are the Harmonites. Rapp, their founder, was a dissenter from the Lutheran Church, and therefore, of course, the Lutheran clergy of Stutgard (near to which he lived) began to put Mr. Rapp in white sheets, to prove him guilty of theft, parricide, treason, and all the usual crimes of which men dissenting from established churches are so often guilty,—and delicate hints were given respecting faggots! Stutgard abounds with underwood and clergy; and—away went Mr. Rapp to the United States, and, with a great multitude of followers, settled about twenty-four miles from our countryman Mr. Birkbeck. His people have here built a large town, and planted a vineyard, where they make very agreeable wine. They carry on also a very extensive system of husbandry, and are the masters of many flocks and herds. They have a distillery, brewery, tannery, make hats, shoes, cotton and woollen cloth, and every thing necessary to the comfort of life. Every one belongs to some particular trade. But in bad weather, when there is danger of losing their crops, Rapp blows a horn, and calls them all together. Over every trade there is a head man, who receives the money and gives a receipt, signed by Rapp, to whom all the money collected is transmitted. When any of these workmen wants a hat or a coat, Rapp signs him

an order for the garment, for which he goes to the store, and is fitted. They have one large store where these manufactures are deposited. This store is much resorted to by the neighbourhood, on account of the goodness and cheapness of the articles. They have built an excellent house for their founder, Rapp,—as it might have been predicted they would have done. The Harmonites profess equality, community of goods, and celibacy; for the men and women (let Mr. Malthus hear this) live separately, and are not allowed the slightest intercourse. In order to keep up their numbers, they have once or twice sent over for a supply of Germans, as they admit no Americans, of any intercourse with whom they are very jealous. The Harmonites dress and live plainly. It is a part of their creed that they should do so. Rapp, however, and the head men have no such particular creed for themselves; and indulge in wine, beer, grocery, and other irreligious diet. Rapp is both governor and priest,—preaches to them in church, and directs all their proceedings in their working hours. In short, Rapp seems to have made use of the religious propensities of mankind, to persuade one or two thousand fools to dedicate their lives to his service; and if they do not get tired, and fling their prophet into a horse-pond, they will in all probability disperse as soon as he dies.

Unitarians are increasing very fast in the United States, not being kept down by charges from bishops and archdeacons, their natural enemies.

The author of the Excursion remarks upon the total absence of all games in America. No cricket, foot-ball, nor leap-frog—all seems solid and profitable.

'One thing that I could not help remarking with regard to the Americans in general, is the total want of all those games and sports that obtained for our country the appellation of "Merry England." Although children usually transmit stories and sports from one generation to another, and although many of our nursery games and tales are supposed to have been imported into England in the vessels of Hengist and Horsa, yet our brethren in the United States seem entirely to have forgotten

the childish amusements of our common ancestors. In America I never saw even the schoolboys playing at any game whatsoever. Cricket, foot-ball, quoits, &c. appear to be utterly unknown; and I believe that if an American were to see grown-up men playing at cricket, he would express as much astonishment as the Italians did when some Englishmen played at this finest of all games in the Casina at Florence. Indeed, that joyous spirit which, in our country, animates not only childhood, but also maturer age, can rarely or never be seen among the inhabitants of the United States.'—*Excursion*, pp. 502, 503.

These are a few of the leading and prominent circumstances respecting America, mentioned in the various works before us: of which works we can recommend the Letters of Mr. Hudson, and the Excursion into Canada, as sensible, agreeable books, written in a very fair spirit.

America seems, on the whole, to be a country possessing vast advantages, and little inconveniences; they have a cheap government, and bad roads; they pay no tithes, and have stage coaches without springs. They have no poor laws and no monopolies—but their inns are inconvenient, and travellers are teased with questions. They have no collections in the fine arts; but they have no Lord Chancellor, and they can go to law without absolute ruin. They cannot make Latin verses, but they expend immense sums in the education of the poor. In all this the balance is prodigiously in their favour: but then comes the great disgrace and danger of America—the existence of slavery, which, if not timously corrected, will one day entail (and ought to entail) a bloody servile war upon the Americans—which will separate America into slave states and states disclaiming slavery, and which remains at present as the foulest blot in the moral character of that people. A high-spirited nation, who cannot endure the slightest act of foreign aggression, and who revolt at the very shadow of domestic tyranny, beat with cart-whips, and bind with chains, and murder for the merest trifles, wretched human beings who are of a more dusky colour than themselves; and have recently admitted

into their Union a new State, with the express permission of ingrafting this atrocious wickedness into their constitution! No one can admire the simple wisdom and manly firmness of the Americans more than we do, or more despise the pitiful propensity which exists among Government runners to vent their small spite at their character; but on the subject of slavery, the conduct of America is, and has been, most reprehensible. It is impossible to speak of it with too much indignation and contempt; but for it we should look forward with unqualified pleasure to such a land of freedom, and such a magnificent spectacle of human happiness.

MEMOIRS OF CAPTAIN ROCK. (E. Review, 1824.)

Memoirs of Captain Rock, the celebrated Irish Chieftain; with some Account of his Ancestors. Written by Himself. Fourth Edition. 12mo. London, 1824.

This agreeable and witty book is generally supposed to have been written by Mr. Thomas Moore, a gentleman of small stature, but full of genius, and a steady friend of all that is honourable and just. He has here borrowed the name of a celebrated Irish leader, to typify that spirit of violence and insurrection which is necessarily generated by systematic oppression, and rudely avenges its crimes; and the picture he has drawn of its prevalence in that unhappy country is at once piteous and frightful. Its effect in exciting our horror and indignation is in the long run increased, we think,—though at first it may seem counteracted, by the tone of levity, and even jocularity, under which he has chosen to veil the deep sarcasm and substantial terrors of his story. We smile at first, and are amused—and wonder as we proceed, that the humorous narrative should produce conviction and pity—shame, abhorrence, and despair!

England seems to have treated Ireland much in the same way as Mrs. Brownrigg treated her apprentice—for which Mrs. Brownrigg is hanged in the first volume of the Newgate Calendar. Upon the whole, we think the apprentice is better off than the Irishman: as Mrs. Brownrigg merely starves and beats her, without any attempt to prohibit her from going to any shop, or praying at any church, her apprentice might select; and once or twice, if we remember rightly, Brownrigg appears to have felt some compassion. Not so Old England, who indulges rather in a steady baseness, uniform brutality, and unrelenting oppression.

Let us select from this entertaining little book a short history of dear Ireland, such as even some profligate idle member of the House of Commons, voting as his master bids him, may perchance throw his eye upon, and reflect for a moment upon the iniquity to which he lends his support.

For some centuries after the reign of Henry II. the Irish were killed like game, by persons qualified or unqualified. Whether dogs were used does not appear quite certain, though it is probable they were, spaniels as well as pointers; and that, after a regular point by Basto, well backed by Ponto and Cæsar, Mr. O'Donnel or Mr. O'Leary bolted from the thicket, and were bagged by the English sportsman. With Henry II. came in tithes, to which, in all probability, about one million of lives may have been sacrificed in Ireland. In the reign of Edward I. the Irish who were settled near the English requested that the benefit of the English laws might be extended to them; but the remonstrance of the barons with the hesitating king was in substance this:— 'You have made us a present of these wild gentlemen, and we particularly request that no measures may be adopted to check us in that full range of tyranny and oppression in which we consider the value of such a gift to consist. You might as well give us sheep, and prevent us from shearing the wool, or roasting the meat.' This reasoning prevailed, and the Irish were kept to their barbarism, and the barons preserved their live stock.

'Read "Orange faction" (says Captain Rock), here and you have the wisdom of our rulers, at the end of near six centuries, *in statu quo*.—The grand periodic year of the stoics, at the close of which every thing was to begin again, and the same events to be all reacted in the same order, is, on a miniature scale, represented in the history of the English Government in Ireland—every succeeding century being but a new revolution of the same follies, the same crimes, and the same turbulence that disgraced the former. But "Vive l'ennemi!" say I: whoever may suffer by such measures, Captain Rock, at least, will prosper.

'And such was the result at the period of which I am speaking. The rejection of a petition, so humble and so reasonable,

was followed, as a matter of course, by one of those daring rebellions into which the revenge of an insulted people naturally breaks forth. The M'Cartys, the O'Briens, and all the other Macs and O's, who have been kept on the alert by similar causes ever since, flew to arms under the command of a chieftain of my family; and, as the proffered *handle* of the sword had been rejected, made their inexorable masters at least feel its *edge*.'—(pp. 23—25.)

Fifty years afterwards the same request was renewed and refused. Up again rose Mac and O,—a *just and necessary war* ensued; and after the usual murders, the usual chains were replaced upon the Irishry. All Irishmen were excluded from every species of office. It was high treason to marry with the Irish blood, and highly penal to receive the Irish into religious houses. War was waged also against their Thomas Moores, Samuel Rogerses, and Walter Scotts, who went about the country harping and singing against English oppression. No such turbulent guests were to be received. The plan of making them poets-laureate, or converting them to loyalty by pensions of 100*l.* per annum, had not then been thought of. They debarred the Irish even from the pleasure of running away, and fixed them to the soil like negroes.

'I have thus selected,' says the historian of Rock, 'cursorily and at random, a few features of the reigns preceding the Reformation, in order to show what good use was made of those three or four hundred years in attaching the Irish people to their English governors; and by what a gentle course of alteratives they were prepared for the inoculation of a new religion, which was now about to be attempted upon them by the same skilful and friendly hands.

'Henry the Seventh appears to have been the first monarch to whom it occurred, that matters were not managed exactly as they ought in this part of his dominions; and we find him—with a simplicity which is still fresh and youthful among our rulers—expressing his *surprise* that "his subjects of this land should be so prone to faction and rebellion, and that so little advantage had been hitherto derived from the acquisitions of his predecessors, notwithstanding the fruitfulness and natural advantages of Ireland."—Surprising, indeed, that a policy, such

as we have been describing, should not have converted the whole country into a perfect Atlantis of happiness—should not have made it like the imaginary island of Sir Thomas More, where "*tota insula velut una familia est!*"—most stubborn, truly, and ungrateful, must that people be, upon whom, up to the very hour in which I write, such a long and unvarying course of penal laws, confiscations, and Insurrection Acts has been tried, without making them in the least degree in love with their rulers.

'Heloise tells her tutor Abelard, that the correction which he inflicted upon her only served to increase the ardour of her affection for him; but bayonets and hemp are no such "*amoris stimuli.*"—One more characteristic anecdote of those times, and I have done. At the battle of Knocktow, in the reign of Henry VII., when that remarkable man, the Earl of Kildare, assisted by the great O'Neal and other Irish chiefs, gained a victory over Clanricard of Connaught, most important to the English Government, Lord Gormanstown, after the battle, in the first insolence of success, said, turning to the Earl of Kildare, "We have now slaughtered our enemies, but, to complete the good deed, we must proceed yet further, and—cut the throats of those Irish of our own party!"* Who can wonder that the Rock family were active in those times?'—(pp. 33—35.)

Henry VIII. persisted in all these outrages, and aggravated them by insulting the prejudices of the people. England is almost the only country in the world (even at present), where there is not some favourite religious spot, where absurd lies, little bits of cloth, feathers, rusty nails, splinters, and other invaluable relics, are treasured up, and in defence of which the whole population are willing to turn out and perish as one man. Such was the shrine of St. Kieran, the whole treasures of which the satellites of that corpulent tyrant turned out into the street, pillaged the sacred church of Clonmacnoise, scattered the holy nonsense of the priests to the winds, and burnt the real and venerable crosier of St. Patrick, fresh from the silversmith's shop, and formed of the most costly materials. Modern princes change the uniform of regiments: Henry changed the religion

* Leland gives this anecdote on the authority of an Englishman.

of kingdoms, and was determined that the belief of the Irish should undergo a radical and Protestant conversion. With what success this attempt was made, the present state of Ireland is sufficient evidence.

'Be not dismayed,' said Elizabeth, on hearing that O'Neal meditated some designs against her government; 'tell my friends, if he arise, it will turn to their advantage—*there will be estates for those who want.*' Soon after this prophetic speech, Munster was destroyed by famine and the sword, and near 600,000 acres forfeited to the Crown, and distributed among Englishmen. Sir Walter Raleigh (the virtuous and good) butchered the garrison of Limerick in cold blood, after Lord Deputy Gray had selected 700 to be hanged. There were, during the reign of Elizabeth, three invasions of Ireland by the Spaniards, produced principally by the absurd measures of this princess for the reformation of its religion. The Catholic clergy, in consequence of these measures, abandoned their cures, the churches fell to ruin, and the people were left without any means of instruction. Add to these circumstances the murder of M'Mahon, the imprisonment of M'Toole* and O'Dogherty, and the kidnapping of O'Donnel—all truly Anglo-Hibernian proceedings. The execution of the laws was rendered detestable and intolerable by the queen's officers of justice. The spirit raised by these transactions, besides innumerable smaller insurrections, gave rise to the great wars of Desmond and Hugh O'Neal; which, after they had worn out the ablest generals, discomfited the choicest troops, exhausted the treasure, and embarrassed the operations of Elizabeth, were terminated by the destruction of these two ancient families, and by the confiscation of more than half the territorial surface of the island. The two last years of O'Neal's wars cost

* There are not a few of the best and most humane Englishmen of the present day, who, when under the influence of fear or anger, would think it no great crime to put to death people whose names begin with O or Mac. The violent death of Smith, Green, or Thomson, would throw the neighbourhood into convulsions, and the regular forms would be adhered to—but little would be really thought of the death of anybody called O'Dogherty or O'Toole.

Elizabeth 140,000*l.* per annum, though the whole revenue of England at that period fell considerably short of 500,000*l.* Essex, after the destruction of Norris, led into Ireland an army of above 20,000 men, which was totally baffled and destroyed by Tyrone, within two years of their landing. Such was the importance of Irish rebellions two centuries before the time in which we live. Sir G. Carew attempted to assassinate the Lugan Earl—Mountjoy compelled the Irish rebels to massacre each other. In the course of a few months, 3000 men were starved to death in Tyrone. Sir Arthur Chichester, Sir Richard Manson, and other commanders, saw three children feeding on the flesh of their dead mother. Such were the golden days of good Queen Bess!

By the rebellions of Dogherty in the reign of James I., six northern counties were confiscated, amounting to 500,000 acres. In the same manner, 64,000 acres were confiscated in Athlone. The whole of his confiscations amount to nearly a million acres; and if Leland means plantation acres, they constitute a twelfth of the whole kingdom according to Newenham, and a tenth according to Sir W. Petty. The most shocking and scandalous action in the reign of James, was his attack upon the whole property of the province of Connaught, which he would have effected, if he had not been bought off by a sum greater than he hoped to gain by his iniquity, besides the luxury of confiscation. The Irish, during the reign of James I., suffered under the *double* evils of a licentious soldiery, and a religious persecution.

Charles the First took a bribe of 120,000*l.* from his Irish subjects, to grant them what in those days were called *Graces*, but in these days would be denominated the Elements of Justice. The money was paid, but the graces were never granted. One of these graces is curious enough: 'That the clergy were not to be permitted to keep henceforward any private prisons of their own, but delinquents were to be committed to the public jails.' The idea of a rector, with his own private jail full of dissenters, is the most ludicrous piece of tyranny we ever

heard of. The troops in the beginning of Charles's reign were supported by the weekly fines levied upon the Catholics for non-attendance upon established worship. The Archbishop of Dublin went himself, at the head of a file of musketeers, to disperse a Catholic congregation in Dublin,—which object he effected, after a considerable skirmish with the priests. 'The favourite object' (says Dr. Leland, a Protestant clergyman, and dignitary of the Irish church) 'of the Irish Government and the English Parliament, was, *the utter extermination* of all the Catholic inhabitants of Ireland.' The great rebellion took place in this reign, and Ireland was one scene of blood and cruelty and confiscation.

Cromwell began his career in Ireland by massacring for five days the garrison of Drogheda, to whom quarter had been promised. Two millions and a half of acres were confiscated. Whole towns were put up in lots, and sold. The Catholics were banished from three fourths of the kingdom, and confined to Connaught. After a certain day, every Catholic found out of Connaught was to be punished with death. Fleetwood complains peevishly 'that the people *do not transport readily*,'—but adds, '*it is doubtless a work in which the Lord will appear.*' Ten thousand Irish were sent as recruits to the Spanish army.

'Such was *Cromwell's* way of settling the affairs of Ireland—and if a nation *is* to be ruined, this method, is, perhaps, as good as any. It is, at least, more humane than the slow lingering process of exclusion, disappointment, and degradation, by which their hearts are worn out under more specious forms of tyranny; and that talent of despatch which Molière attributes to one of his physicians, is no ordinary merit in a practitioner like Cromwell:—"C'est un homme expéditif, qui aime à depêcher ses malades; et quand on a à mourir, cela se fait avec lui le plus vite du monde." A certain military Duke, who complains that Ireland is but half-conquered, would, no doubt, upon an emergency, try his hand in the same line of practice, and, like that "stern hero," Mirmillo, in the Dispensary,

> "While others meanly take whole months to slay,
> Despatch the grateful patient in a day!"

'Among other amiable enactments against the Catholics at this period, the price of five pounds was set on the head of a Romish priest—being exactly the same sum offered by the same legislators for the head of a wolf. The Athenians, we are told, encouraged the destruction of wolves by a similar reward (five drachmas); but it does not appear that these heathens bought up the heads of priests at the same rate—such zeal in the cause of religion being reserved for times of Christianity and Protestantism.'—(pp. 97—99.)

Nothing can show more strongly the light in which the Irish were held by Cromwell, than the correspondence with Henry Cromwell, respecting the peopling of Jamaica from Ireland. Secretary Thurloe sends to Henry, the Lord Deputy in Ireland, to inform him, that 'a stock of Irish girls, and Irish young men, are wanting for the peopling of Jamaica.' The answer of Henry Cromwell is as follows:—'Concerning the supply of young men, although we must use force in taking them up, *yet it being so much for their own good*, and likely to be of so great advantage to the public, it is not the least doubted but that you may have such a number of them as you may think fit to make use of on this account.

'I shall not need repeat any thing respecting the girls, not doubting to answer your expectations to the full *in that;* and I think it might be of like advantage to your affairs there, and ours here, if you should think fit to send 1500 or 2000 boys to the place above mentioned. *We can well spare them;* and who knows but that it may be the means of making them Englishmen, I mean rather Christians? As for the girls, I suppose you will make provisions of clothes, and other accommodations for them.' Upon this, Thurloe informs Henry Cromwell that the council have voted 4000 *girls, and as many boys*, to go to Jamaica.

Every Catholic priest found in Ireland was hanged, and five pounds paid to the informer.

'About the years 1652 and 1653,' says Colonel Lawrence, in his *Interests of Ireland*, 'the plague and famine had so swept away whole counties, that a man might

travel twenty or thirty miles and not see a living creature, either man or beast, or bird,—they being all dead, or had quitted those desolate places. Our soldiers would tell stories of the places where they saw smoke—it was so rare to see either smoke by day, or fire or candle by night.' In this manner did the Irish live and die under Cromwell, suffering by the sword, famine, pestilence, and persecution, beholding the confiscation of a kingdom and the banishment of a race. 'So that there perished (says Sir W. Petty) in the year 1641, 650,000 human beings whose blood somebody must atone for to God and the King!!'

In the reign of Charles II., by the Act of Settlement, four millions and a half of acres were for ever taken from the Irish. 'This country,' says the Earl of Essex, Lord Lieutenant in 1675, 'has been perpetually rent and torn, since his Majesty's restoration. I can compare it to nothing better than the flinging the reward on the death of a deer among the pack of hounds—where every one pulls and tears where he can for himself.' All wool grown in Ireland was, by act of Parliament, compelled to be sold to England; and Irish cattle were excluded from England. The English, however, were pleased to accept 30,000 head of cattle, sent as a gift from Ireland to the sufferers in the great fire!—and the first day of the Sessions, after this act of munificence, the Parliament passed fresh acts of exclusion against the productions of that country.

'Among the many anomalous situations in which the Irish have been placed, by those "marriage vows, false as dicers' oaths," which bind their country to England, the dilemma in which they found themselves at the Revolution was not the least perplexing or cruel.* If they were loyal to the King *de*

* 'Among the persons most puzzled and perplexed by the two opposite Royal claims on their allegiance, were the clergymen of the Established Church; who having first prayed for King James, as their lawful sovereign, as soon as William was proclaimed took to praying for *him;* but again, on the success of the Jacobite forces in the north, very prudently prayed for King James once more, till the arrival of Schomberg, when, as far as his quarters reached, they returned to praying for King William again.'

jure, they were hanged by the King *de facto;* and if they escaped with life from the King *de facto*, it was but to be plundered and proscribed by the King *de jure* afterwards.

"Hac *gener* atque *socer* coeant mercede suorum."—VIRGIL.

"In a manner so summary, prompt, and high-mettled,
"Twixt father and son-in-law matters were settled."

'In fact, most of the outlawries in Ireland were for treason committed the very day on which the Prince and Princess of Orange accepted the crown in the Banqueting-house; though the news of this event could not possibly have reached the other side of the Channel on the same day, and the Lord-Lieutenant of King James, with an army to enforce obedience, was at that time in actual possession of the government,—so little was common sense consulted, or the mere decency of forms observed, by that rapacious spirit, which nothing less than the confiscation of the whole island could satisfy; and which having, in the reign of James I. and at the Restoration, despoiled the natives of no less than ten million six hundred and thirty six thousand eight hundred and thirty-seven acres, now added to its plunder one million sixty thousand seven hundred and ninety-two acres more, being the amount, altogether, (according to Lord Clare's calculation,) of the whole superficial contents of the island!

'Thus, not only had *all* Ireland suffered confiscation in the course of this century, but no inconsiderable portion of it had been twice and even thrice confiscated. Well might Lord Clare say, "that the situation of the Irish nation, at the Revolution, stands unparalleled in the history of the inhabited world."'—(pp. 111—113.)

By the Articles of Limerick, the Irish were promised the free exercise of their religion; but from that period till the year 1788, every year produced some fresh penalty against that religion —some liberty was abridged, some right impaired, or some suffering increased. By acts in King William's reign, they were prevented from being solicitors. No Catholic was allowed to marry a Protestant; and any Catholic who sent a son to Catholic countries for education was to forfeit all his lands. In the reign of Queen Anne, any son of a Catholic who chose to turn Protestant got possession of the father's estate. No papist was allowed to purchase freehold property, or to take a lease for more than thirty years.

If a Protestant dies intestate, the estate is to go to the next *Protestant* heir, though all to the tenth generation should be Catholic. In the same manner, if a Catholic dies intestate, his estate is to go to the next Protestant. No Papist is to dwell in Limerick or Galway. No Papist to take an annuity for life. The widow of a Papist turning Protestant to have a portion of the chattels of deceased, in spite of any will. Every Papist teaching schools to be presented as a regular Popish convict. Prices of catching Catholic priests from 50*s.* to 10*l.*, according to rank. Papists are to answer all questions respecting other Papists, or to be committed to jail for twelve months. No trust to be undertaken for Papists. No Papists to be on Grand Juries. Some notion may be formed of the spirit of those times, from an order of the House of Commons, 'that the Sergeant at Arms should take into custody all Papists that should presume to come into *the gallery!*' (*Commons' Journal*, vol. iii. fol. 976.) During this reign, the English Parliament legislated as absolutely for Ireland as they do now for Rutlandshire — an evil not to be complained of, if they had done it as justly. In the reign of George I., the horses of Papists were seized for the militia, and rode by Protestants; towards which the Catholics paid double, and were compelled to find Protestant substitutes. They were prohibited from voting at vestries, or being high or petty constables. An act of the English Parliament in this reign opens as follows:— 'Whereas attempts have been lately made to shake off the subjection of Ireland to the Imperial Crown of these realms, be it enacted,' &c. &c. In the reign of George II. four sixths of the population were cut off from the right of voting at elections, by the necessity under which they were placed of taking the oath of supremacy. Barristers and solicitors marrying Catholics are exposed to all the penalties of Catholics. Persons robbed by privateers during a war with a Catholic State, are to be indemnified by a levy on the Catholic inhabitants of the neighbourhood. All marriages between Catholics and Protestants are annulled. All Popish priests celebrating them are

to be hanged. 'This system' (says Arthur Young) 'has no other tendency than that of driving out of the kingdom all the personal wealth of the Catholics, and extinguishing their industry within it! and the face of the country, every object which presents itself to travellers, tells him how effectually this has been done.'—*Young's Tour in Ireland*, vol. ii. p. 48.

Such is the history of Ireland—for we are now at our own times; and the only remaining question is, whether the system of improvement and conciliation begun in the reign of George III. shall be pursued, and the remaining incapacities of the Catholics removed, or all these concessions be made insignificant by an adherence to that spirit of proscription which they professed to abolish? Looking to the sense and reason of the thing, and to the ordinary working of humanity and justice, when assisted, as they are here, by self-interest and worldly policy, it might seem absurd to doubt of the result. But looking to the facts and the persons by which we are now surrounded, we are constrained to say, that we greatly fear that these incapacities never will be removed, till they are removed by fear. What else, indeed, can we expect when we see them opposed by such enlightened men as Mr. Peel—faintly assisted by men of such admirable genius as Mr. Canning,—when Royal Dukes consider it as a compliment to the memory of their father to continue this miserable system of bigotry and exclusion,—when men act ignominiously and contemptibly on this question, who do so on no other question,—when almost the only persons zealously opposed to this general baseness and fatuity are a few Whigs and Reviewers, or here and there a virtuous poet like Mr. Moore? We repeat again, that the measure never will be effected but by fear. In the midst of one of our just and necessary wars, the Irish Catholics will compel this country to grant them a great deal more than they at present require, or even contemplate. We regret most severely the protraction of the disease,—and the danger of the remedy;—but in this way it is that human affairs are carried on!

We are sorry we have nothing for which to praise Administration on the subject of the Catholic question —but, it is but justice to say, that they have been very zealous and active in detecting fiscal abuses in Ireland, in improving mercantile regulations, and in detecting Irish jobs. The commission on which Mr. Wallace presided has been of the greatest possible utility, and does infinite credit to the Government. The name of Mr. Wallace, in any commission, has now become a pledge to the public that there is a real intention to investigate and correct abuse. He stands in the singular predicament of being equally trusted by the rulers and the ruled. It is a new era in Government, when such men are called into action; and, if there were not proclaimed and fatal limits to that ministerial liberality —which, so far as it goes, we welcome without a grudge, and praise without a sneer — we might yet hope that, for the sake of mere consistency, they might be led to falsify our forebodings. But alas! there are motives more immediate, and therefore irresistible; and the time is not yet come, when it will be believed easier to govern Ireland by the love of the many than by the power of the few — when the paltry and dangerous machinery of bigoted faction and prostituted patronage may be dispensed with, and the vessel of the state be propelled by the natural current of popular interests and the breath of popular applause. In the mean time, we cannot resist the temptation of gracing our conclusion with the following beautiful passage, in which the author alludes to the hopes that were raised at another great era of partial concession and liberality — that of the revolution of 1782, — when, also, benefits were conferred which proved abortive, because they were incomplete — and balm poured into the wound, where the envenomed shaft was yet left to rankle.

'And here,' says the gallant Captain Rock, — 'as the free confession of weaknesses constitutes the chief charm and use of biography — I will candidly own that the dawn of prosperity and concord, which I now saw breaking over the fortunes of my country, so dazzled and deceived my youthful eyes, and so un-

settled every hereditary notion of what I owed to my name and family, that — shall I confess it? — I even hailed with pleasure the prospects of peace and freedom that seemed opening around me; nay, was ready, in the boyish enthusiasm of the moment, to sacrifice all my own personal interest in all future riots and rebellions, to the one bright, seducing object of my country's liberty and repose.

'When I contemplated such a man as the venerable Charlemont, whose nobility was to the people like a fort over a valley —elevated above them solely for their defence; who introduced the polish of the courtier into the camp of the freeman, and served his country with all that pure, Platonic devotion, which a true knight in the time of chivalry proffered to his mistress; —when I listened to the eloquence of Grattan, the very music of Freedom — her first, fresh matin song, after a long night of slavery, degradation, and sorrow; — when I saw the bright offerings which he brought to the shrine of his country, — wisdom, genius, courage, and patience, invigorated and embellished by all those social and domestic virtues, without which the loftiest talents stand isolated in the moral waste around them, like the pillars of Palmyra towering in a wilderness! — when I reflected on all this, it not only disheartened me for the mission of discord which I had undertaken, but made me secretly hope that it might be rendered unnecessary; and that a country, which could produce such men and achieve such a revolution, might yet — in spite of the joint efforts of the Government and my family — take her rank in the scale of nations, and be happy!

'My father, however, who saw the momentary dazzle by which I was affected, soon drew me out of this false light of hope in which I lay basking, and set the truth before me in a way but too convincing and ominous. "Be not deceived, boy," he would say, "by the fallacious appearances before you. Eminently great and good as is the man to whom Ireland owes this short era of glory, *our* work, believe me, will last longer than his. We have a power on our side that 'will not willingly let us die;' and, long after Grattan shall have disappeared from earth, — like that arrow shot into the clouds by Alcestes — effecting nothing, but leaving a long train of light behind him, the family of the Rocks will continue to flourish in all their native glory, upheld by the ever-watchful care of the Legislature, and fostered by that 'nursing-mother of Liberty,' the Church."'

BENTHAM ON FALLACIES. (E. Review, 1825.)

The Book of Fallacies: from Unfinished Papers of Jeremy Bentham. By a Friend. London, J. and H. L. Hunt. 1824.

There are a vast number of absurd and mischievous fallacies, which pass readily in the world for sense and virtue, while in truth they tend only to fortify error and encourage crime. Mr. Bentham has enumerated the most conspicuous of these in the book before us.

Whether it be necessary there should be a middleman between the cultivator and the possessor, learned economists have doubted; but neither gods, men, nor booksellers can doubt the necessity of a middleman between Mr. Bentham and the public. Mr. Bentham is long; Mr. Bentham is occasionally involved and obscure; Mr. Bentham invents new and alarming expressions; Mr. Bentham loves division and subdivision — and he loves method itself, more than its consequences. Those only, therefore, who know his originality, his knowledge, his vigour, and his boldness, will recur to the works themselves. The great mass of readers will not purchase improvement at so dear a rate; but will choose rather to become acquainted with Mr. Bentham through the medium of Reviews — after that eminent philosopher has been washed, trimmed, shaved, and forced into clean linen. One great use of a Review, indeed, is to make men wise in ten pages, who have no appetite for a hundred pages; to condense nourishment, to work with pulp and essence, and to guard the stomach from idle burden and unmeaning bulk. For half a page, sometimes for a whole page, Mr. Bentham writes with a power which few can equal; and by selecting and omitting, an admirable style may be formed from the text. Using this liberty, we shall endeavour to give an account of Mr. Bentham's doctrines, for the most part

in his own words. Wherever any expression is particularly happy, let it be considered to be Mr. Bentham's: —the dulness we take to ourselves.

Our Wise Ancestors — the Wisdom of our Ancestors — the Wisdom of Ages — venerable Antiquity — Wisdom of Old Times. — This mischievous and absurd fallacy springs from the grossest perversion of the meaning of words. Experience is certainly the mother of wisdom, and the old have, of course, a greater experience than the young; but the question is, who are the old? and who are the young? Of *individuals* living at the same period, the oldest has, of course, the greatest experience; but among *generations* of men the reverse of this is true. Those who come first (our ancestors), are the young people, and have the least experience. We have added to their experience the experience of many centuries; and, therefore, as far as experience goes, are wiser, and more capable of forming an opinion than they were. The real feeling should be, *not*, can we be so presumptuous as to put our opinions in opposition to those of our ancestors? but can such young, ignorant, inexperienced persons as our ancestors necessarily were, be expected to have understood a subject as well as those who have seen so much more, lived so much longer, and enjoyed the experience of so many centuries? All this cant, then, about our ancestors is merely an abuse of words, by transferring phrases true of contemporary men to succeeding ages. Whereas (as we have before observed) of living men the oldest has, *cæteris paribus*, the most experience; of generations, the oldest has, *cæteris paribus*, the least experience. Our ancestors, up to the Conquest, were children in arms; chubby boys in the time of Edward the First; striplings under Elizabeth; men in the reign of Queen Anne; and *we* only are the white-bearded, silver-headed ancients, who have treasured up, and are prepared to profit by, all the experience which human life can supply. We are not disputing with our ancestors the palm of talent, in which they may or may not be our superiors, but the palm of experience, in which it is

utterly impossible they can be our superiors. And yet, whenever the Chancellor comes forward to protect some abuse, or to oppose some plan which has the increase of human happiness for its object, his first appeal is always to the wisdom of our ancestors; and he himself, and many noble lords who vote with him, are, to this hour, persuaded that all alterations and amendments on their devices are an unblushing controversy between youthful temerity and mature experience! — and so, in truth, they are — only that much-loved magistrate mistakes the young for the old, and the old for the young — and is guilty of that very sin against experience which he attributes to the lovers of innovation.

We cannot of course be supposed to maintain that our ancestors wanted wisdom, or that they were necessarily mistaken in their institutions, because their means of information were more limited than ours. But we do confidently maintain that when we find it expedient to change any thing which our ancestors have enacted, we are the experienced persons, and not they. The quantity of talent is always varying in any great nation. To say that we are more or less able than our ancestors, is an assertion that requires to be explained. All the able men of all ages, who have ever lived in England, probably possessed, if taken all together, more intellect than all the able men now in England can boast of. But if authority must be resorted to rather than reason, the question is, What was the wisdom of that single age which enacted the law, compared with the wisdom of the age which proposes to alter it? What are the eminent men of one and the other period? If you say that our ancestors were wiser than us, mention your date and year. If the splendour of names is equal, are the circumstances the same? If the circumstances are the same, we have a superiority of experience, of which the difference between the two periods is the measure. It is necessary to insist upon this; for upon sacks of wool, and on benches forensic, sit grave men, and agricolous persons in the Commons, crying out 'Ancestors, Ancestors! *hodie non!* Saxons,

Danes, save us! Fiddlefrig, help us! Howel, Ethelwolf, protect us!'—Any cover for nonsense—any veil for trash—any pretext for repelling the innovations of conscience and of duty!

'So long as they keep to vague generalities—so long as the two objects of comparison are each of them taken in the lump—wise ancestors in one lump, ignorant and foolish mob of modern times in the other—the weakness of the fallacy may escape detection. But let them assign for the period of superior wisdom any determinate period whatsoever, not only will the groundlessness of the notion be apparent (class being compared with class in that period and the present one), but, unless the antecedent period be comparatively speaking a very modern one, so wide will be the disparity, and to such an amount in favour of modern times, that, in comparison of the lowest class of the people in modern times, (always supposing them proficients in the art of reading, and their proficiency employed in the reading of newspapers,) the very highest and best informed class of these wise ancestors will turn out to be grossly ignorant.

'Take, for example, any year in the reign of Henry the Eighth, from 1509 to 1546. At that time the House of Lords would probably have been in possession of by far the larger proportion of what little instruction the age afforded: in the House of Lords, among the laity, it might even then be a question whether, without exception, their lordships were all of them able so much as to read. But even supposing them all in the fullest possession of that useful art, political science being the science in question, what instruction on the subject could they meet with at that time of day?

'On no one branch of legislation was any book extant from which, with regard to the circumstances of the then present times, any useful instruction could be derived: distributive law, penal law, international law, political economy, so far from existing as sciences, had scarcely obtained a name: in all those departments, under the head of *quid faciendum*, a mere blank: the whole literature of the age consisted of a meagre chronicle or two, containing short memorandums of the usual occurrences of war and peace, battles, sieges, executions, revels, deaths, births, processions, ceremonies, and other external events; but with scarce a speech or an incident that could enter into the composition of any such work as a history of the human mind—with scarce an attempt at investigation into causes, characters, or the state of the people at large. Even when at last, little by little, a scrap or two of political instruction came to be

obtainable, the proportion of error and mischievous doctrine mixed up with it was so great, that whether a blank unfilled might not have been less prejudicial than a blank thus filled, may reasonably be matter of doubt.

'If we come down to the reign of James the First, we shall find that Solomon of his time eminently eloquent as well as learned, not only among crowned but among uncrowned heads, marking out for prohibition and punishment the practices of devils and witches, and without any the slightest objection on the part of the great characters of that day in their high situations, consigning men to death and torment for the misfortune of not being so well acquainted as he was with the composition of the Godhead.

'Under the name of Exorcism the Catholic liturgy contains a form of procedure for driving out devils; — even with the help of this instrument, the operation cannot be performed with the desired success, but by an operator qualified by holy orders for the working of this as well as so many other wonders. In our days and in our country the same object is attained, and beyond comparison more effectually, by so cheap an instrument as a common newspaper: before this talisman, not only devils but ghosts, vampires, witches, and all their kindred tribes, are driven out of the land, never to return again! The touch of holy water is not so intolerable to them as the bare smell of printers' ink.'—(pp. 74—77.)

Fallacy of irrevocable Laws.—A law, says Mr. Bentham (no matter to what effect) is proposed to a legislative assembly, who are called upon to reject it, upon the single ground, that by those who in some former period exercised the same power, a regulation was made, having for its object to preclude for ever, or to the end of an unexpired period, all succeeding legislators from enacting a law to any such effect as that now proposed.

Now it appears quite evident that, at every period of time, every Legislature must be endowed with all those powers which the exigency of the times may require: and any attempt to infringe on this power is inadmissible and absurd. The sovereign power, at any one period, can only form a blind guess at the measures which may be necessary for any future period: but by this principle of immutable laws, the government is transferred from those who are necessarily the best judges of what they

want, to others who can know little or nothing about the matter. The thirteenth century decides for the fourteenth. The fourteenth makes laws for the fifteenth. The fifteenth hermetically seals up the sixteenth, which tyrannises over the seventeenth, which again tells the eighteenth how it is to act, under circumstances which cannot be foreseen, and how it is to conduct itself in exigencies which no human wit can anticipate.

'Men who have a century more of experience to ground their judgments on, surrender their intellect to men who had a century less experience, and who, unless that deficiency constitutes a claim, have no claim to preference. If the prior generation were, in respect of intellectual qualification, ever so much superior to the subsequent generation — if it understood so much better than the subsequent generation itself the interest of that subsequent generation — could it have been in an equal degree anxious to promote that interest, and consequently equally attentive to those facts with which, though in order to form a judgment it ought to have been, it is impossible that it should have been acquainted? In a word, will its love for that subsequent generation be quite so great as that same generation's love for itself?

'Not even here, after a moment's deliberate reflection, will the assertion be in the affirmative. And yet it is their prodigious anxiety for the welfare of their posterity that produces the propensity of these sages to tie up the hands of this same posterity for evermore — to act as guardians to its perpetual and incurable weakness, and take its conduct for ever out of its own hands.

'If it be right that the conduct of the 19th century should be determined not by its own judgment, but by that of the 18th, it will be equally right that the conduct of the 20th century should be determined, not by its own judgment, but by that of the 19th. And if the same principle were still pursued, what at length would be the consequence? — that in process of time the practice of legislation would be at an end. The conduct and fate of all men would be determined by those who neither knew nor cared any thing about the matter; and the aggregate body of the Living would remain for ever in subjection to an inexorable tyranny, exercised as it were by the aggregate body of the Dead.' —(pp. 84—86.)

The despotism, as Mr. Bentham well observes, of Nero

or Caligula, would be more tolerable than an *irrevocable law*. The despot, through fear or favour, or in a lucid interval, might relent; but how are the Parliament, who made the Scotch Union, for example, to be awakened from that dust in which they repose — the jobber and the patriot, the speaker and the doorkeeper, the silent voters and the men of rich allusions — Cannings and cultivators, Barings and beggars — making irrevocable laws for men who toss their remains about with spades, and use the relics of these legislators, to give breadth to brocoli, and to aid the vernal eruption of asparagus?

If the law be good, it will support itself; if bad, it should not be supported by the *irrevocable theory*, which is never resorted to but as the veil of abuses. All living men must possess the supreme power over their own happiness at every particular period. To suppose that there is any thing which a whole nation cannot do, which they deem to be essential to their happiness, and that they cannot do it, because *another* generation, long ago dead and gone, said it must not be done, is mere nonsense. While you are captain of the vessel, do what you please; but the moment you quit the ship, I become as omnipotent as you. You may leave me as much *advice* as you please, but you cannot leave me *commands;* though, in fact, this is the only meaning which can be applied to what are called irrevocable laws. It appeared to the Legislature for the time being to be of immense importance to make such and such a law. Great good was gained, or great evil avoided by enacting it. Pause before you alter an institution which has been deemed to be of so much importance. This is prudence and common sense; the rest is the exaggeration of fools, or the artifice of knaves, who eat up fools. What endless nonsense has been talked of our navigation laws! What wealth has been sacrificed to either before they were repealed! How impossible it appeared to Noodledom to repeal them! They were considered of the irrevocable class — a kind of law over which the dead only were omnipotent, and the living had no power. Frost, it is

true, cannot be put off by act of Parliament, nor can Spring be accelerated by any majority of both Houses. It is however quite a mistake to suppose that any alteration of any of the Articles of Union is as much out of the jurisdiction of Parliament as these meteorological changes. In every year, and every day of that year, living men have a right to make their own laws, and manage their own affairs; to break through the tyranny of the ante-spirants — the people who breathed before them, and to do what they please for themselves. Such supreme power cannot indeed be well exercised by the people at large; it must be exercised therefore by the delegates, or Parliament whom the people choose; and such Parliament, disregarding the superstitious reverence for *irrevocable laws*, can have no other criterion of wrong and right than that of public utility.

When a law is considered as immutable, and the immutable law happens at the same time to be too foolish and mischievous to be endured, instead of being repealed, it is clandestinely evaded, or openly violated; and thus the authority of all law is weakened.

Where a nation has been ancestorially bound by foolish and improvident treaties, ample notice must be given of their termination. Where the state has made ill-advised grants, or rash bargains with individuals, it is necessary to grant proper compensation. The most difficult case, certainly, is that of the union of nations, where a smaller number of the weaker nation is admitted into the larger senate of the greater nation, and will be overpowered if the question come to a vote; but the lesser nation must run this risk: it is not probable that any violation of articles will take place, till they are absolutely called for by extreme necessity. But let the danger be what it may, no danger is so great, no supposition so foolish, as to consider any human law as irrevocable. The shifting attitude of human affairs would often render such a condition an intolerable evil to all parties. The absurd jealousy of our countrymen at the Union secured heritable jurisdiction to the owners; nine and thirty years afterwards they were abolished, in

the very teeth of the Act of Union, and to the evident promotion of the public good.

Continuity of a Law by Oath. — The Sovereign of England at his Coronation takes an oath to maintain the laws of God, the true profession of the Gospel, and the Protestant religion as established by law, and to preserve to the Bishops and Clergy of this realm the rights and privileges which by law appertain to them, and to preserve inviolate the doctrine, discipline, worship, and government of the Church. It has been suggested that by this oath the King stands precluded from granting those indulgences to the Irish Catholics, which are included in the bill for their emancipation. The true meaning of these provisions is of course to be decided, if doubtful, by the same legislative authority which enacted them. But a different notion it seems is now afloat. The King for the time being (we are putting an imaginary case) thinks as an individual, that he is not maintaining the doctrine, discipline, and rights of the Church of England, if he grant any extension of civil rights to those who are not members of that Church, that he is violating his oath by so doing. This oath, then, according to this reasoning, is the great palladium of the Church. As long as it remains inviolate the Church is safe. How then can any monarch who has taken it ever consent to repeal it? How can he, consistently with his oath for the preservation of the privileges of the Church, contribute his part to throw down so strong a bulwark as he deems this oath to be! The oath, then, cannot be altered. It must remain under all circumstances of society the same. The King, who has taken it, is bound to continue it, and to refuse his sanction to any bill for its future alteration; because it prevents him, and, he must needs think, will prevent others, from granting dangerous immunities to the enemies of the Church.

Here, then, is an irrevocable law — a piece of absurd tyranny exercised by the rulers of Queen Anne's time upon the government of 1825 — a certain art of potting and preserving a kingdom, in one shape, attitude, and

flavour — and in this way it is that an institution appears like old Ladies' Sweetmeats and made Wines — Apricot Jam 1822 — Currant Wine 1819 — Court of Chancery 1427 — Penal Laws against Catholics 1676. The difference is, that the Ancient Woman is a better judge of mouldy commodities than the liberal part of his Majesty's Ministers. The potting lady goes sniffing about and admitting light and air to prevent the progress of decay; while to him of the Woolsack, all seems doubly dear in proportion as it is antiquated, worthless, and unusable. It ought not to be in the power of the Sovereign to tie up his own hands, much less the hands of his successors. If the Sovereign be to oppose his own opinion to that of the two other branches of the legislature, and himself to decide what he considers to be for the benefit of the Protestant Church, and what not, a king who has spent his whole life in the frivolous occupation of a court, may, by perversion of understanding, conceive measures most salutary to the Church to be most pernicious; and persevering obstinately in his own error, may frustrate the wisdom of his parliament, and perpetuate the most inconceivable folly! If Henry VIII. had argued in this manner, we should have had no reformation. If George III. had always argued in this manner, the Catholic Code would never have been relaxed. And thus, a king, however incapable of forming an opinion upon serious subjects, has nothing to do but to pronounce the word *Conscience*, and the whole power of the country is at his feet.

Can there be greater absurdity than to say that a man is acting contrary to his conscience who surrenders his opinion upon any subject to those who must understand the subject better than himself? I think my ward has a claim to the estate; but the best lawyers tell me he has none. I think my son capable of undergoing the fatigues of a military life; but the best physicians say he is much too weak. My Parliament say this measure will do the Church no harm; but I think it very pernicious to the Church. Am I acting contrary to my conscience because I apply much

higher intellectual powers than my own, to the investigation and protection of these high interests?

'According to the form in which it is conceived, any such engagement is in effect either a check or a licence: — a licence under the appearance of a check, and for that very reason but the more efficiently operative.

'Chains to the man in power? Yes: — but only such as he figures with on the stage: to the spectators as imposing, to himself as light as possible. Modelled by the wearer to suit his own purposes, they serve to rattle, but not to restrain.

'Suppose a King of Great Britain and Ireland to have expressed his fixed determination, in the event of any proposed law being tendered to him for his assent, to refuse such assent, and this not on the persuasion that the law would not be "for the utility of the subjects," but that by his coronation oath he stands precluded from so doing: — the course proper to be taken by parliament, the course pointed out by principle and precedent, would be, a vote of abdication: — a vote declaring the king to have abdicated his royal authority, and that, as in case of death or incurable mental derangement, now is the time for the person next in succession to take his place.

'In the celebrated case in which a vote to this effect was actually passed, the declaration of abdication was in lawyers' language a fiction — in plain truth a falsehood — and that falsehood a mockery; not a particle of his power was it the wish of James to abdicate, to part with; but to increase it to a maximum was the manifest object of all his efforts. But in the case here supposed, with respect to a part, and that a principal part, of the royal authority, the will and purpose to abdicate is actually declared: and this, being such a part, without which the remainder cannot, "to the utility of the subjects," be exercised, the remainder must of necessity be, on their part, and for their sake, added.'—(p. 110, 111.)

Self-trumpeter's Fallacy. — Mr. Bentham explains the self-trumpeter's fallacy as follows: —

'There are certain men in office who, in discharge of their functions, arrogate to themselves a degree of probity, which is to exclude all imputations and all inquiry. Their assertions are to be deemed equivalent to proof; their virtues are guarantees for the faithful discharge of their duties; and the most implicit confidence is to be reposed in them on all occasions. If you expose any abuse, propose any reform, call for securities,

inquiry, or measures to promote publicity, they set up a cry of surprise, amounting almost to indignation, as if their integrity were questioned, or their honour wounded. With all this, they dexterously mix up intimations, that the most exalted patriotism, honour, and perhaps religion, are the only sources of all their actions.'—(p. 120.)

Of course every man will try what he can effect by these means; but (as Mr. Bentham observes) if there be any one maxim in politics more certain than another, it is that no possible degree of virtue in the governor can render it expedient for the governed to dispense with good laws and good institutions. Madame de Stael (to her disgrace) said to the Emperor of Russia, 'Sire, your character is a constitution for your country, and your conscience its guarantee.' His reply was, 'Quand cela serait, je ne serais jamais qu'un accident heureux;' and this we think one of the truest and most brilliant replies ever made by monarch.

Laudatory Personalities.—'The object of laudatory personalities is to effect the rejection of a measure on account of the alleged good character of those who oppose it: and the argument advanced is, "The measure is rendered unnecessary by the virtues of those who are in power—their opposition is a sufficient authority for the rejection of the measure. The measure proposed implies a distrust of the members of His Majesty's Government; but so great is their integrity, so complete their disinterestedness, so uniformly do they prefer the public advantage to their own, that such a measure is altogether unnecessary. Their disapproval is sufficient to warrant an opposition; precautions can only be requisite where danger is apprehended: here, the high character of the individuals in question is a sufficient guarantee against any ground of alarm."'—(pp. 123, 124.)

The panegyric goes on increasing with the dignity of the lauded person. All are honourable and delightful men. The person who opens the door of the office is a person of approved fidelity; the junior clerk is a model of assiduity; all the clerks are models—seven years' models, eight years' models, nine years' models and upwards. The first clerk is a paragon—and ministers

the very perfection of probity and intelligence; and as for the highest magistrate of the state, no adulation is equal to describe the extent of his various merits! It is too condescending perhaps to refute such folly as this. But we would just observe, that if the propriety of the measure in question be established by direct arguments, these must be at least as conclusive against the character of those who oppose it, as their character can be against the measure.

The effect of such an argument is, to give men of good or reputed good character, the power of putting a negative on any question — not agreeable to their inclinations.

'In every public trust, the legislator should, for the purpose of prevention, suppose the trustee disposed to break the trust in every imaginable way in which it would be possible for him to reap, from the breach of it, any personal advantage. This is the principle on which public institutions ought to be formed; and when it is applied to all men indiscriminately, it is injurious to none. The practical inference is, to oppose to such possible (and what will always be probable) breaches of trust, every bar that can be opposed, consistently with the power requisite for the efficient and due discharge of the trust. Indeed, these arguments, drawn from the supposed virtues of men in power, are opposed to the first principles on which all laws proceed.

'Such allegations of individual virtue are never supported by specific proof, are scarce ever susceptible of specific disproof; and specific disproof, if offered, could not be admitted in either House of Parliament. If attempted elsewhere, the punishment would fall, not on the unworthy trustee, but on him by whom the unworthiness had been proved.'—(pp. 125, 126.)

Fallacies of pretended danger.—Imputation of bad design—of bad character—of bad motives—of inconsistency—of suspicious connections.

The object of this class of fallacies is to draw aside attention from the measure to the man, and this in such a manner, that, for some real or supposed defect in the author of the measure, a corresponding defect shall be imputed to the measure itself. Thus 'the author of the measure entertains a bad design; therefore the measure is bad. His character is bad, therefore the

measure is bad; his motive is bad, I will vote against the measure. On former occasions, this same person who proposed the measure was its enemy, therefore the measure is bad. He is on a footing of intimacy with this or that dangerous man, or has been seen in his company, or is suspected of entertaining some of his opinions, therefore the measure is bad. He bears a name that at a former period was borne by a set of men now no more, by whom bad principles were entertained — therefore the measure is bad!'

Now, if the measure be really inexpedient, why not at once show it to be so? If the measure be good, is it bad because a bad man is its author? If bad, is it good because a good man has produced it? What are these arguments, but to say to the assembly who are to be the judges of any measure, that their imbecility is too great to allow them to judge of the measure by its own merits, and that they must have recourse to distant and feebler probabilities for that purpose?

'In proportion to the degree of efficiency with which a man suffers these instruments of deception to operate upon his mind he enables bad men to exercise over him a sort of power, the thought of which ought to cover him with shame. Allow this argument the effect of a conclusive one, you put it into the power of any man to draw you at pleasure from the support of every measure, which in your own eyes is good, to force you to give your support to any and every measure which in your own eyes is bad. Is it good? — the bad man embraces it, and, by the supposition, you reject it. Is it bad? — he vituperates it, and that suffices for driving you into its embrace. You split upon the rocks, because he has avoided them; you miss the harbour, because he has steered into it! Give yourself up to any such blind antipathy, you are no less in the power of your adversaries, than if, by a correspondently irrational sympathy and obsequiousness, you put yourself into the power of your friends.'—(pp. 132, 133.)

'Besides, nothing but laborious application, and a clear and comprehensive intellect, can enable a man, on any given subject, to employ successfully relevant arguments drawn from the subject itself. To employ personalities, neither labour nor intellect is required. In this sort of contest, the most idle and the most ignorant are quite on a par with, if not superior to, the

most industrious and the most highly-gifted individuals. Nothing can be more convenient for those who would speak without the trouble of thinking. The same ideas are brought forward over and over again, and all that is required is to vary the turn of expression. Close and relevant arguments have very little hold on the passions, and serve rather to quell than to inflame them; while in personalities there is always something stimulant, whether on the part of him who praises or him who blames. Praise forms a kind of connection between the party praising and the party praised, and vituperation gives an air of courage and independence to the party who blames.

'Ignorance and indolence, friendship and enmity, concurring and conflicting interest, servility and independence, all conspire to give personalities the ascendency they so unhappily maintain. The more we lie under the influence of our own passions, the more we rely on others being affected in a similar degree. A man who can repel these injuries with dignity, may often convert them into triumph: "Strike me, but hear," says he, and the fury of his antagonist redounds to his own discomfiture.'—(pp. 141, 142.)

No Innovation!—To say that all new things are bad, is to say that all old things were bad in their commencement: for of all the old things ever seen or heard of, there is not one that was not once new. Whatever is now establishment was once innovation. The first inventor of pews and parish clerks, was no doubt considered as a Jacobin in his day. Judges, juries, criers of the court, are all the inventions of ardent spirits, who filled the world with alarm, and were considered as the great precursors of ruin and dissolution. No inoculation, no turnpikes, no reading, no writing, no popery! The fool sayeth in his heart, and crieth with his mouth, 'I will have nothing new!'

Fallacy of Distrust!—*'What's at the Bottom?'*—This fallacy begins with a virtual admission of the propriety of the measure considered in itself, and thus demonstrates its own futility, and cuts up from under itself the ground which it endeavours to make. A measure is to be rejected for something that, by bare possibility, may be found amiss in some other measure! This is vicarious reprobation; upon this principle Herod

instituted his massacre. It is the argument of a driveller to other drivellers, who says, We are not able to decide upon the evil when it arises — our only safe way is to act upon the general apprehension of evil.

Official Malefactor's Screen. — '*Attack us — you attack Government.*'

If this notion is acceded to, every one who derives at present any advantage from misrule has it in fee-simple; and all abuses, present and future, are without remedy. So long as there is any thing amiss in conducting the business of government, so long as it can be made better, there can be no other mode of bringing it nearer to perfection, than the indication of such imperfections as at the time being exist.

'But so far is it from being true that a man's aversion or contempt for the hands by which the powers of Government, or even for the system under which they are exercised, is a proof of his aversion or contempt towards Government itself, that, even in proportion to the strength of that aversion or contempt, it is a proof of the opposite affection. What, in consequence of such contempt or aversion, he wishes for, is, not that there be no hands at all to exercise these powers, but that the hands may be better regulated;—not that those powers should not be exercised at all, but that they should be better exercised;—not that in the exercise of them, no rules at all should be pursued, but that the rules by which they are exercised should be a better set of rules.

'All government is a trust; every branch of government is a trust; and immemorially acknowledged so to be: it is only by the magnitude of the scale that public differ from private trusts. I complain of the conduct of a person in the character of guardian, as domestic guardian, having the care of a minor or insane person. In so doing, do I say that guardianship is a bad institution? Does it enter into the head of any one to suspect me of so doing? I complain of an individual in the character of a commercial agent, or assignee of the effects of an insolvent. In so doing, do I say that commercial agency is a bad thing? that the practice of vesting in the hands of trustees or assignees the effects of an insolvent, for the purpose of their being divided among his creditors, is a bad practice? Does any such conceit ever enter into the head of man, as that of suspecting me of so doing?' —(pp. 162, 163.)

There are no complaints against government in Turkey—no motions in Parliament, no Morning Chronicles, and no Edinburgh Reviews: yet of all countries in the world, it is that in which revolts and revolutions are the most frequent.

It is so far from true, that no good government can exist consistently with such disclosure, that no good government can exist without it. It is quite obvious, to all who are capable of reflection, that by no other means than by lowering the governors in the estimation of the people, can there be hope or chance of beneficial change. To infer from this wise endeavour to lessen the existing rulers in the estimation of the people, a wish of dissolving the government, is either artifice or error. The physician who intentionally weakens the patient by bleeding him has no intention he should perish.

The greater the quantity of respect a man receives, independently of good conduct, the less good is his behaviour likely to be. It is the interest, therefore, of the public, in the case of each, to see that the respect paid to him should, as completely as possible, depend upon the goodness of his behaviour in the execution of his trust. But it is, on the contrary, the interest of the trustee, that the respect, the money, or any other advantage he receives in virtue of his office, should be as great, as secure, and as independent of conduct as possible. Soldiers expect to be shot at; public men must expect to be attacked, and sometimes unjustly. It keeps up the habit of considering their conduct as exposed to scrutiny; on the part of the people at large, it keeps alive the expectation of witnessing such attacks, and the habit of looking out for them. The friends and supporters of government have always greater facility in keeping and raising it up, than its adversaries have for lowering it.

Accusation-scarer's Device.—'*Infamy must attach somewhere.*'

This fallacy consists in representing the character of a calumniator as necessarily and justly attaching upon

him who, having made a charge of misconduct against any persons possessed of political power or influence, fails of producing evidence sufficient for their conviction.

'If taken as a general proposition, applying to all public accusations, nothing can be more mischievous as well as fallacious. Supposing the charge unfounded, the delivery of it may have been accompanied with *mala fides* (consciousness of its injustice), with *temerity* only, or it may have been perfectly blameless. It is in the first case alone that infamy can with propriety attach upon him who brings it forward. A charge really groundless may have been honestly *believed* to be well founded, *i. e.* believed with a sort of provisional credence, sufficient for the purpose of engaging a man to do his part towards the bringing about an investigation, but without sufficient reasons. 'But a charge may be perfectly groundless without attaching the smallest particle of blame upon him who brings it forward. Suppose him to have heard from one or more, presenting themselves to him in the character of percipient witnesses, a story, which, either *in toto*, or perhaps only in *circumstances*, though in circumstances of the most material importance, should prove false and mendacious — how is the person who hears this, and acts accordingly, to blame? What sagacity can enable a man previously to legal investigation, a man who has no power that can enable him to insure correctness or completeness on the part of this extrajudicial testimony, to guard against deception in such a case?'—(pp. 185, 186.)

Fallacy of False Consolation. — '*What is the matter with you? — What would you have? Look at the people there, and there; think how much better off you are than they are. Your prosperity and liberty are objects of their envy; your institutions models of their imitation.*'

It is not the desire to look to the bright side that is blamed: but when a particular suffering, produced by an assigned cause, has been pointed out, the object of many apologists is to turn the eyes of inquirers and judges into any other quarter in preference. If a man's tenants were to come with a general encomium on the prosperity of the country, instead of a specified sum, would it be accepted? In a court of justice, in an action for damages, did ever any such device occur as that of pleading assets in the hands of a third person?

There is, in fact, no country so poor and so wretched in every element of prosperity, in which matter for this argument might not be found. Were the prosperity of the country tenfold as great as at present, the absurdity of the argument would not in the least degree be lessened. Why should the smallest evil be endured, which can be cured, because others suffer patiently under greater evils? Should the smallest improvement attainable be neglected, because others remain contented in a state of still greater inferiority?

'Seriously and pointedly in the character of a bar to any measure of relief, no, nor to the most trivial improvement, can it ever be employed. Suppose a bill brought in for converting an impassable road any where into a passable one, would any man stand up to oppose it who could find nothing better to urge against it than the multitude and goodness of the roads we have already? No: when in the character of a serious bar to the measure in hand, be that measure what it may, an argument so palpably inapplicable is employed, it can only be for the purpose of creating a diversion; — of turning aside the minds of men from the subject really in hand, to a picture, which by its beauty, it is hoped, may engross the attention of the assembly, and make them forget for the moment for what purpose they came there.'—(pp. 196, 197.)

The Quietist, or no Complaint. — 'A new law or measure being proposed in the character of a remedy for some incontestable abuse or evil, an objection is frequently started to the following effect: — "The measure is unnecessary. Nobody complains of disorder in that shape, in which it is the aim of your measure to propose a remedy to it. But even when *no* cause of complaint has been found to exist, especially under governments which admit of complaints, men have in general not been slow to complain; much less where any just cause of complaint has existed." The argument amounts to this: — Nobody complains, therefore nobody suffers. It amounts to a *veto* on all measures of precaution or prevention, and goes to establish a maxim in legislation directly opposed to the most ordinary prudence of common life; — it enjoins us to build no parapets to a bridge till the number of accidents has raised an universal clamour.'—(pp. 190, 191.)

Procrastinator's Argument. — '*Wait a little, this is not the time.*'

This is the common argument of men, who, being in reality hostile to a measure, are ashamed or afraid of appearing to be so. *To-day* is the plea — *eternal exclusion* commonly the object. It is the same sort of quirk, as a plea of abatement in law — which is never employed but on the side of a dishonest defendant, whose hope it is to obtain an ultimate triumph, by overwhelming his adversary with despair, impoverishment, and lassitude. Which is the properest day to do good? which is the properest day to remove a nuisance? we answer, the very first day a man can be found to propose the removal of it; and whoever opposes the removal of it on that day will (if he dare) oppose it on every other. There is in the minds of many feeble friends to virtue and improvement, an imaginary period for the removal of evils, which it would certainly be worth while to wait for, if there was the smallest chance of its ever arriving — a period of unexampled peace and prosperity, when a patriotic king and an enlightened mob united their ardent efforts for the amelioration of human affairs; when the oppressor is as delighted to give up the oppression, as the oppressed is to be liberated from it; when the difficulty and the unpopularity would be to continue the evil, not to abolish it! These are the periods when fair-weather philosophers are willing to venture out, and hazard a little for the general good. But the history of human nature is so contrary to all this, that almost all improvements are made after the bitterest resistance, and in the midst of tumults and civil violence — the worst period at which they can be made, compared to which any period is eligible, and should be seized hold of by the friends of salutary reform.

Snail's Pace argument. — '*One thing at a time! Not too fast! Slow and sure!* — Importance of the business — extreme difficulty of the business — danger of innovation — need of caution and circumspection — impossibility of foreseeing all consequences — danger of precipitation — every thing should be gradual — one thing at a time — this is not the time — great occupation at present — wait for more leisure — people well satisfied — no

petitions presented — no complaints heard — no such mischief has yet taken place — stay till it has taken place! — Such is the prattle which the magpie in office, who, understanding nothing, yet understands that he must have something to say on every subject, shouts out among his auditors as a succedaneum to thought.' — (pp. 203, 204.)

Vague Generalities. — Vague generalities comprehend a numerous class of fallacies resorted to by those who, in preference to the determinate expressions which they might use, adopt others more vague and indeterminate.

Take, for instance, the terms government, laws, morals, religion. Every body will admit that there are in the world bad governments, bad laws, bad morals, and bad religions. The bare circumstance, therefore, of being engaged in exposing the defects of government, law, morals, and religion, does not of itself afford the slightest presumption that a writer is engaged in any thing blamable. If his attack be only directed against that which is bad in each, his efforts may be productive of good to any extent. This essential distinction, however, the defender of abuses uniformly takes care to keep out of sight; and boldly imputes to his antagonists an intention to subvert all *government, law, morals and religion.* Propose any thing with a view to the improvement of the existing practice, in relation to law, government, and religion, he will treat you with an oration upon the necessity and utility of law, government, and religion. Among the several cloudy appellatives which have been commonly employed as cloaks for misgovernment, there is none more conspicuous in this atmosphere of illusion than the word order. As often as any measure is brought forward which has for its object to lessen the sacrifice made by the many to the few, *social order* is the phrase commonly opposed to its progress.

'By a defalcation made from any part of the mass of factitious delay, vexation, and expense, out of which, and in proportion to which, lawyers' profit is made to flow — by any defalcation made from the mass of needless and worse than useless emolument to office, with or without service or pretence of service — by any addition endeavoured to be made to the quantity, or

improvement in the quality of service rendered, or time bestowed in service rendered in return for such emolument — by every endeavour that has for its object the persuading the people to place their fate at the disposal of any other agents than those in whose hands breach of trust is certain, due fulfilment of it morally and physically impossible — *social order* is said to be endangered, and threatened to be destroyed.' — (p. 234.)

In the same way *Establishment* is a word in use to protect the bad parts of establishments, by charging those who wish to remove or alter them, with a wish to subvert all good establishments.

Mischievous fallacies also circulate from the convertible use of what Mr. B. is pleased to call dyslogistic and eulogistic terms. Thus a vast concern is expressed for the *liberty of the press*, and the utmost abhorrence for its *licentiousness:* but then, by the licentiousness of the press is meant every disclosure by which any abuse is brought to light and exposed to shame — by the *liberty of the press* is meant only publications from which no such inconvenience is to be apprehended; and the fallacy consists in employing the sham approbation of liberty as a mask for the real opposition to all free discussion. To write a pamphlet so ill that nobody will read it; to animadvert in terms so weak and insipid upon great evils, that no disgust is excited at the vice, and no apprehension in the evil doer, is a fair use of the liberty of the press, and is not only pardoned by the friends of government, but draws from them the most fervent eulogium. The licentiousness of the press consists in doing the thing boldly and well, in striking terror into the guilty, and in rousing the attention of the public to the defence of their highest interests. This is the licentiousness of the press held in the greatest horror by timid and corrupt men, and punished by semianimous semicadaverous judges, with a captivity of many years. In the same manner the dyslogistic and eulogistic fallacies are used in the case of reform.

'Between all abuses whatsoever, there exists that connexion — between all persons who see each of them, any one abuse in which an advantage results to himself, there exists, in point of

interest, that close and sufficiently understood connexion, of which intimation has been given already. ' To no one abuse can correction be administered without endangering the existence of every other.

' If, then, with this inward determination not to suffer, so far as depends upon himself, the adoption of any reform which he is able to prevent, it should seem to him necessary or advisable to put on for a cover, the profession or appearance of a desire to contribute to such reform—in pursuance of the device or fallacy here in question, he will represent that which goes by the name of reform as distinguishable into two species; one of them a fit subject for approbation, the other for disapprobation. That which he thus professes to have marked for approbation, he will accordingly, for the expression of such approbation, characterise by some adjunct of the *eulogistic* cast, such as moderate, for example, or temperate, or practical, or practicable.

' To the other of these nominally distinct species, he will, at the same time, attach some adjunct of the *dyslogistic* cast, such as violent, intemperate, extravagant, outrageous, theoretical, speculative, and so forth.

' Thus, then, in profession and to appearance, there are in his conception of the matter two distinct and opposite species of reform, to one of which his approbation, to the other his disapprobation, is attached. But the species to which his approbation is attached is an *empty* species—a species in which no individual is, or is intended to be, contained.

' The species to which his disapprobation is attached is, on the contrary, a crowded species, a receptacle in which the whole contents of the *genus*—of the genus *Reform* are intended to be included.'—(p. 277, 278.)

Anti-rational Fallacies.—When reason is in opposition to a man's interests, his study will naturally be to render the faculty itself, and whatever issues from it, an object of hatred and contempt. The sarcasm and other figures of speech employed on the occasion are directed not merely against reason but against thought, as if there were something in the faculty of thought that rendered the exercise of it incompatible with useful and successful practice. Sometimes a plan, which would not suit the official person's interest, is without more ado pronounced a *speculative* one; and, by this observation, all need of rational and deliberate discussion is considered to be superseded. The first effort of the corrup-

tionist is to fix the epithet *Speculative* upon any scheme which he thinks may cherish the spirit of reform. The expression is hailed with the greatest delight by bad and feeble men, and repeated with the most unwearied energy; and to the word Speculative, by way of reinforcement, are added, *theoretical*, *visionary*, *chimerical*, *romantic*, *Utopian*.

'Sometimes a distinction is taken, and thereupon a concession made. The plan is *good in theory*, but it would be *bad in practice*, i. e. its being good in theory does not hinder its being bad in practice.

'Sometimes, as if in consequence of a farther progress made in the art of irrationality, the plan is pronounced to be *too good to be practicable*; and its being so good as it is, is thus represented as the very cause of its being bad in practice.

'In short, such is the perfection at which this art is at length arrived, that the very circumstance of a plan's being susceptible of the appellation of a *plan*, has been gravely stated as a circumstance sufficient to warrant its being rejected: rejected, if not with hatred, at any rate with a sort of accompaniment, which, to the million, is commonly felt still more galling—with contempt.' —(p. 296.)

There is a propensity to push theory too far; but what is the just inference? not that theoretical propositions (*i. e.* all propositions of any considerable comprehension or extent) should, from such their extent, be considered to be false *in toto*, but only that, in the particular case, inquiry should be made whether, supposing the proposition to be in the character of a rule generally true, an exception ought to be taken out of it. It might almost be imagined that there was something wicked or unwise in the exercise of thought; for every body feels a necessity for disclaiming it. 'I am not given to speculation, I am no friend to theories.' Can a man disclaim theory, can he disclaim speculation, without disclaiming thought?

The description of persons by whom this fallacy is chiefly employed are those who, regarding a plan as adverse to their interests, and not finding it on the ground of general utility exposed to any preponderant objection,

have recourse to this objection in the character of an instrument of contempt, in the view of preventing those from looking into it who might have been otherwise disposed. It is by the fear of seeing it practised that they are drawn to speak of it as impracticable. 'Upon the face of it (exclaims some feeble or pensioned gentleman), it carries that air of plausibility, that, if you were not upon your guard, might engage you to bestow more or less of attention upon it; but were you to take the trouble, you would find that (as it is with all these plans which promise so much) practicability would at last be wanting to it. To save yourself from this trouble, the wisest course you can take is to put the plan aside, and to think no more about the matter.' This is always accompanied with a peculiar grin of triumph.

The whole of these fallacies may be gathered together in a little oration, which we will denominate the

Noodle's Oration.

'What would our ancestors say to this, Sir? How does this measure tally with their institutions? How does it agree with their experience? Are we to put the wisdom of yesterday in competition with the wisdom of centuries? (*Hear, hear!*) Is beardless youth to show no respect for the decisions of mature age? (*Loud cries of hear! hear!*) If this measure be right, would it have escaped the wisdom of those Saxon progenitors to whom we are indebted for so many of our best political institutions? Would the Dane have passed it over? Would the Norman have rejected it? Would such a notable discovery have been reserved for these modern and degenerate times? Besides, Sir, if the measure itself is good, I ask the honourable gentleman if this is the time for carrying it into execution — whether, in fact, a more unfortunate period could have been selected than that which he has chosen? If this were an ordinary measure, I should not oppose it with so much vehemence; but, Sir, it calls in question the wisdom of an irrevocable law — of a law passed at the

memorable period of the Revolution. What right have we, Sir, to break down this firm column, on which the great men of that day stamped a character of eternity? Are not all authorities against this measure—Pitt, Fox, Cicero, and the Attorney and Solicitor General? The proposition is new, Sir; it is the first time it was ever heard in this House. I am not prepared, Sir — this House is not prepared, to receive it. The measure implies a distrust of his Majesty's government; their disapproval is sufficient to warrant opposition. Precaution only is requisite where danger is apprehended. Here the high character of the individuals in question is a sufficient guarantee against any ground of alarm. Give not, then, your sanction to this measure; for, whatever be its character, if you do give your sanction to it, the same man by whom this is proposed, will propose to you others to which it will be impossible to give your consent. I care very little, Sir, for the ostensible measure; but what is there behind? What are the honourable gentleman's future schemes? If we pass this bill, what fresh concessions may he not require? What further degradation is he planning for his country? Talk of evil and inconvenience, Sir! look to other countries—study other aggregations and societies of men, and then see whether the laws of this country demand a remedy or deserve a panegyric. Was the honourable gentleman (let me ask him) always of this way of thinking? Do I not remember when he was the advocate in this House of very opposite opinions? I not only quarrel with his present sentiments, Sir, but I declare very frankly I do not like the party with which he acts. If his own motives were as pure as possible, they cannot but suffer contamination from those with whom he is politically associated. This measure may be a boon to the constitution, but I will accept no favour to the constitution from such hands. (*Loud cries of hear! hear!*) I profess myself, Sir, an honest and upright member of the British Parliament, and I am not afraid to profess myself an enemy to all change, and all innovation. I am satisfied with things as they

are; and it will be my pride and pleasure to hand down this country to my children as I received it from those who preceded me. The honourable gentleman pretends to justify the severity with which he has attacked the Noble Lord who presides in the Court of Chancery. But I say such attacks are pregnant with mischief to Government itself. Oppose Ministers, you oppose Government: disgrace Ministers, you disgrace Government: bring Ministers into contempt, you bring Government into contempt; and anarchy and civil war are the consequences. Besides, Sir, the measure is unnecessary. Nobody complains of disorder in that shape in which it is the aim of your measure to propose a remedy to it. The business is one of the greatest importance; there is need of the greatest caution and circumspection. Do not let us be precipitate, Sir; it is impossible to foresee all consequences. Every thing should be gradual; the example of a neighbouring nation should fill us with alarm! The honourable gentleman has taxed me with illiberality, Sir. I deny the charge. I hate innovation, but I love improvement. I am an enemy to the corruption of Government, but I defend its influence. I dread reform, but I dread it only when it is intemperate. I consider the liberty of the press as the great Palladium of the Constitution; but, at the same time, I hold the licentiousness of the press in the greatest abhorrence. Nobody is more conscious than I am of the splendid abilities of the honourable mover, but I tell him at once, his scheme is too good to be practicable. It savours of Utopia. It looks well in theory, but it won't do in practice. It will not do, I repeat, Sir, in practice; and so the advocates of the measure will find, if, unfortunately, it should find its way through Parliament. (*Cheers.*) The source of that corruption to which the honourable member alludes, is in the minds of the people; so rank and extensive is that corruption, that no political reform can have any effect in removing it. Instead of reforming others — instead of reforming the State, the Constitu-

tion, and every thing that is most excellent, let each man reform himself! let him look at home, he will find there enough to do, without looking abroad, and aiming at what is out of his power. (*Loud cheers.*) And now, Sir, as it is frequently the custom in this House to end with a quotation, and as the gentleman who preceded me in the debate has anticipated me in my favourite quotation of the "Strong pull and the long pull," I shall end with the memorable words of the assembled Barons—*Nolumus leges Angliæ mutari.*'

'Upon the whole, the following are the characters which appertain in common to all the several arguments here distinguished by the name of fallacies:—

'1. Whatsoever be the measure in hand, they are, with relation to it, irrelevant.

'2. They are all of them such, that the application of these irrelevant arguments affords a presumption either of the weakness or total absence of relevant arguments on the side on which they are employed.

'3. To any good purpose they are all of them unnecessary.

'4. They are all of them not only capable of being applied, but actually in the habit of being applied, and with advantage, to bad purposes; viz. to the obstruction and defeat of all such measures as have for their object the removal of the abuses or other imperfections still discernible in the frame and practice of the government.

'5. By means of their irrelevancy, they all of them consume and misapply time, thereby obstructing the course and retarding the progress of all necessary and useful business.

'6. By that irritative quality which, in virtue of their irrelevancy, with the improbity or weakness of which it is indicative, they possess, all of them, in a degree more or less considerable, but in a more particular degree such of them as consist in personalities, they are productive of ill-humour, which in some instances has been productive of bloodshed, and is continually productive, as above, of waste of time and hinderance of business.

'7. On the part of those who, whether in spoken or written discourses, give utterance to them, they are indicative either of improbity or intellectual weakness, or of a contempt for the understanding of those on whose minds they are destined to operate.

'8. On the part of those on whom they operate, they are indicative of intellectual weakness; and on the part of those in and by whom they are pretended to operate, they are indicative of improbity, viz. in the shape of insincerity.

'The practical conclusion is, that in proportion as the acceptance, and thence the utterance, of them can be prevented, the understanding of the public will be strengthened, the morals of the public will be purified, and the practice of government improved.'—(pp. 359, 360.)

WATERTON. (E. Review, 1826.)

Wanderings in South America, the North-West of the United States, and the Antilles, in the Years 1812, 1816, 1820, *and* 1824; *with original Instructions for the perfect Preservation of Birds, &c. for Cabinets of Natural History.* By Charles Waterton, Esq. London, Mawman. 4to. 1825.

Mr. Waterton is a Roman Catholic gentleman of Yorkshire, of good fortune, who, instead of passing his life at balls and assemblies, has preferred living with Indians and monkeys in the forests of Guiana. He appears in early life to have been seized with an unconquerable aversion to Piccadilly, and to that train of meteorological questions and answers, which forms the great staple of polite English conversation. From a dislike to the regular form of a journal, he throws his travels into detached pieces, which he, rather affectedly, calls Wanderings — and of which we shall proceed to give some account.

His first Wandering was in the year 1812, through the wilds of Demerara and Essequibo, a part of *ci-devant* Dutch Guiana, in South America. The sun exhausted him by day, the mosquitoes bit him by night; but on went Mr. Charles Waterton!

The first thing which strikes us in this extraordinary chronicle, is the genuine zeal and inexhaustible delight with which all the barbarous countries he visits are described. He seems to love the forests, the tigers, and the apes; — to be rejoiced that he is the only man there; that he has left his species far away; and is at last in the midst of his blessed baboons! He writes with a considerable degree of force and vigour; and contrives to infuse into his reader that admiration of the great works, and undisturbed scenes of Nature, which animates his style, and has influenced his life and practice. There is something, too, to be highly respected and

praised in the conduct of a country gentleman, who, instead of exhausting life in the chase, has dedicated a considerable portion of it to the pursuit of knowledge. There are so many temptations to complete idleness in the life of a country gentleman, so many examples of it, and so much loss to the community from it, that every exception from the practice is deserving of great praise. Some country gentlemen must remain to do the business of their counties; but, in general, there are many more than are wanted; and, generally speaking also, they are a class who should be stimulated to greater exertions. Sir Joseph Banks, a squire of large fortune in Lincolnshire, might have given up his existence to double-barrelled guns and persecutions of poachers—and all the benefits derived from his wealth, industry, and personal exertion in the cause of science, would have been lost to the community.

Mr. Waterton complains, that the trees of Guiana are not more than six yards in circumference—a magnitude in trees which it is not easy for a Scotch imagination to reach. Among these, pre-eminent in height rises the mora—upon whose top branches, when naked by age, or dried by accident, is perched the toucan, too high for the gun of the fowler;—around this are the green heart, famous for hardness; the tough hackea; the ducalabaly, surpassing mahogany; the ebony and letter-wood, exceeding the most beautiful woods of the Old World; the locust-tree, yielding copal; and the hayawa and olou-trees, furnishing sweet-smelling resin. Upon the top of the mora grows the fig-tree. The bush-rope joins tree and tree, so as to render the forest impervious, as, descending from on high, it takes root as soon as its extremity touches the ground, and appears like shrouds and stays supporting the mainmast of a line-of-battle ship.

Demerara yields to no country in the world in her birds. The mud is flaming with the scarlet curlew. At sunset, the pelicans return from the sea to the courada trees. Among the flowers are the humming-birds. The columbine, gallinaceous, and passerine tribes people

the fruit-trees. At the close of the day, the vampires, or winged bats, suck the blood of the traveller, and cool him by the flap of their wings. Nor has Nature forgotten to amuse herself here in the composition of snakes: — the camoudi has been killed from thirty to forty feet long; he does not act by venom, but by size and convolution. The Spaniards affirm that he grows to the length of eighty feet, and that he will swallow a bull; but Spaniards love the superlative. There is a *whipsnake* of a beautiful green. The labarri snake of a dirty brown, who kills you in a few minutes. Every lovely colour under heaven is lavished upon the counachouchi, the most venomous of reptiles, and known by the name of the *bush-master*. Man and beast, says Mr. Waterton, fly before him, and allow him to pursue an undisputed path.

We consider the following description of the various sounds in these wild regions as very striking, and done with very considerable powers of style.

'He whose eye can distinguish the various beauties of uncultivated nature, and whose ear is not shut to the wild sounds in the woods, will be delighted in passing up the river Demerara. Every now and then, the maam or tinamou sends forth one long and plaintive whistle from the depth of the forest, and then stops; whilst the yelping of the toucan, and the shrill voice of the bird called pi-pi-yo, is heard during the interval. The campanero never fails to attract the attention of the passenger: at a distance of nearly three miles you may hear this snow-white bird tolling every four or five minutes, like the distant convent bell. From six to nine in the morning, the forests resound with the mingled cries and strains of the feathered race; after this they gradually die away. From eleven to three all nature is hushed as in a midnight silence, and scarce a note is heard, saving that of the campanero and the pi-pi-yo; it is then that, oppressed by the solar heat, the birds retire to the thickest shade, and wait for the refreshing cool of evening.

'At sundown the vampires, bats, and goatsuckers, dart from their lonely retreat, and skim along the trees on the river's bank. The different kinds of frogs almost stun the ear with their hoarse and hollow sounding croaking, while the owls and goatsuckers lament and mourn all night long.

'About two hours before daybreak you will hear the red

monkey moaning as though in deep distress; the houtou, a solitary bird, and only found in the thickest recesses of the forest, distinctly articulates, "houtou, houtou," in a low and plaintive tone, an hour before sunrise; the maam whistles about the same hour; the hannaquoi, pataca, and maroudi announce his near approach to the eastern horizon, and the parrots and paroquets confirm his arrival there.'—(pp. 13—15.)

Our good Quixote of Demerara is a little too fond of apostrophising:—'Traveller! dost thou think? Reader, dost thou imagine?' Mr. Waterton should remember, that the whole merit of these violent deviations from common style depends upon their rarity, and that nothing does, for ten pages together, but the indicative mood. This fault gives an air of affectation to the writing of Mr. Waterton, which we believe to be foreign from his character and nature. We do not wish to deprive him of these indulgences altogether; but merely to put him upon an allowance, and upon such an allowance, as will give to these figures of speech the advantage of surprise and relief.

This gentleman's delight and exultation always appear to increase as he loses sight of European inventions, and comes to something purely Indian. Speaking of an Indian tribe, he says,—

'They had only one gun, and it appeared rusty and neglected; but their poisoned weapons were in fine order. Their blow-pipes hung from the roof of the hut, carefully suspended by a silk grass cord; and on taking a nearer view of them, no dust seemed to have collected there, nor had the spider spun the smallest web on them; which showed that they were in constant use. The quivers were close by them, with the jaw-bone of the fish pirai tied by a string to their brim, and a small wicker-basket of wild cotton, which hung down to the centre: they were nearly full of poisoned arrows. It was with difficulty these Indians could be persuaded to part with any of the Wourali poison, though a good price was offered for it: they gave us to understand that it was powder and shot to them, and very difficult to be procured.'—(pp. 34, 35.)

A wicker-basket of wild cotton, full of poisoned arrows, for shooting fish! This is Indian with a ven-

geance. We fairly admit that, in the contemplation of such utensils, every trait of civilised life is completely and effectually banished.

One of the strange and fanciful objects of Mr. Waterton's journey was, to obtain a better knowledge of the composition and nature of the *Wourali* poison, the ingredient with which the Indians poison their arrows. In the wilds of Essequibo, far away from any European settlements, there is a tribe of Indians known by the name of *Macoushi*. The *Wourali* poison is used by all the South American savages, betwixt the Amazon and the Oroonoque; but the Macoushi Indians manufacture it with the greatest skill, and of the greatest strength. A vine grows in the forest called Wourali; and from this vine, together with a good deal of nonsense and absurdity, the poison is prepared. When a native of Macoushia goes in quest of feathered game, he seldom carries his bow and arrows. It is the blow-pipe he then uses. The reed grows to an amazing length, as the part the Indians use is from 10 to 11 feet long, and no tapering can be perceived, one end being as thick as another; nor is there the slightest appearance of a knot or joint. The end which is applied to the mouth is tied round with a small silk grass cord. The arrow is from nine to ten inches long; it is made out of the leaf of a palm-tree, and pointed as sharp as a needle: about an inch of the pointed end is poisoned: the other end is burnt to make it still harder; and wild cotton is put round it for an inch and a half. The quiver holds from 500 to 600 arrows, is from 12 to 14 inches long, and in shape like a dice-box. With a quiver of these poisoned arrows over his shoulder, and his blow-pipe in his hand, the Indian stalks into the forest in quest of his feathered game.

'These generally sit high up in the tall and tufted trees, but still are not out of the Indian's reach; for his blow-pipe, at its greatest elevation, will send an arrow three hundred feet. Silent as midnight he steals under them, and so cautiously does he tread the ground, that the fallen leaves rustle not beneath his feet. His ears are open to the least sound, while his eye, keen

as that of the lynx, is employed in finding out the game in the thickest shade. Often he imitates their cry, and decoys them from tree to tree, till they are within range of his tube. Then taking a poisoned arrow from his quiver, he puts it in the blow-pipe, and collects his breath for the fatal puff.

'About two feet from the end through which he blows, there are fastened two teeth of the acouri, and these serve him for a sight. Silent and swift the arrow flies, and seldom fails to pierce the object at which it is sent. Sometimes the wounded bird remains in the same tree where it was shot, but in three minutes falls down at the Indian's feet. Should he take wing, his flight is of short duration, and the Indian, following in the direction he has gone, is sure to find him dead.

'It is natural to imagine that, when a slight wound only is inflicted, the game will make its escape. Far otherwise; the Wourali poison instantaneously mixes with blood or water, so that if you wet your finger, and dash it along the poisoned arrow in the quickest manner possible, you are sure to carry off some of the poison.

'Though three minutes generally elapse before the convulsions come on in the wounded bird, still a stupor evidently takes place sooner, and this stupor manifests itself by an apparent unwillingness in the bird to move. This was very visible in a dying fowl.'—(pp. 60—62.)

The flesh of the game is not in the slightest degree injured by the poison; nor does it appear to be corrupted sooner than that killed by the gun or knife. For the larger animals, an arrow with a poisoned spike is used.

'Thus armed with deadly poison, and hungry as the hyæna, he ranges through the forest in quest of the wild beasts' track. No hound can act a surer part. Without clothes to fetter him, or shoes to bind his feet, he observes the footsteps of the game, where an European eye could not discern the smallest vestige. He pursues it through all its turns and windings, with astonishing perseverance, and success generally crowns his efforts. The animal, after receiving the poisoned arrow, seldom retreats two hundred paces before it drops.

'In passing over land from the Essequibo to the Demerara, we fell in with a herd of wild hogs. Though encumbered with baggage, and fatigued with a hard day's walk, an Indian got his bow ready, and let fly a poisoned arrow at one of them. It entered the cheek-bone, and broke off. The wild hog was

found quite dead about one hundred and seventy paces from the place where he had been shot. He afforded us an excellent and wholesome supper.'—(p. 65.)

Being a *Wourali* poison fancier, Mr. Waterton has recorded several instances of the power of his favourite drug. A sloth poisoned by it went gently to sleep, and died! a large ox, weighing one thousand pounds, was shot with three arrows; the poison took effect in 4 minutes, and in 25 minutes he was dead. The death seems to be very gentle, and resembles more a quiet apoplexy, brought on by hearing a long story, than any other kind of death. If an Indian happen to be wounded with one of these arrows, he considers it as certain death. We have reason to congratulate ourselves, that our method of terminating disputes is by sword and pistol, and not by these medicated pins; which, we presume, will become the weapons of gentlemen in the New Republics of South America.

The *second* Journey of Mr. Waterton, in the year 1816, was to Pernambuco, in the southern hemisphere, on the coast of Brazil, and from thence he proceeds to Cayenne. His plan was, to have ascended the Amazon from Para, and got into the Rio Negro, and from thence to have returned towards the source of the Essequibo, in order to examine the Crystal Mountains, and to look once more for Lake Parima, or the White Sea; but on arriving at Cayenne, he found that to beat up the Amazon would be long and tedious; he left Cayenne, therefore, in an American ship for Paramaribo, went through the interior to Coryntin, stopped a few days at New Amsterdam, and proceeded to Demerara.

'Leave behind you (he says to the traveller) your high-seasoned dishes, your wines, and your delicacies; carry nothing but what is necessary for your own comfort, and the object in view, and depend upon the skill of an Indian, or your own, for fish and game. A sheet, about twelve feet long, ten wide, painted, and with loop-holes on each side, will be of great service: in a few minutes you can suspend it betwixt two trees in the shape of a roof. Under this, in your hammock, you may defy the pelting shower, and sleep heedless of the dews of night.

A hat, a shirt, and a light pair of trousers, will be all the raiment you require. Custom will soon teach you to tread lightly and barefoot on the little inequalities of the ground, and show you how to pass on, unwounded, amid the mantling briars. — (pp. 112, 113.)

Snakes are certainly an annoyance; but the snake, though high spirited, is not quarrelsome; he considers his fangs to be given for defence, and not for annoyance, and never inflicts a wound but to defend existence. If you tread upon him, he puts you to death for your clumsiness, merely because he does not understand what your clumsiness means; and certainly a snake, who feels fourteen or fifteen stone stamping upon his tail, has little time for reflection, and may be allowed to be poisonous and peevish. American tigers generally run away — from which several respectable gentlemen in Parliament inferred, in the American war, that American soldiers would run away also!

The description of the birds is very animated and interesting; but how far does the gentle reader imagine the campanero may be heard, whose size is that of a jay? Perhaps 300 yards. Poor innocent, ignorant reader! unconscious of what Nature has done in the forests of Cayenne, and measuring the force of tropical intonation by the sounds of a Scotch duck! The campanero may be heard three miles! — this single little bird being more powerful than the belfry of a cathedral, ringing for a new dean — just appointed on account of shabby politics, small understanding and good family!

'The fifth species is the celebrated campanero of the Spaniards, called dara by the Indians, and bell-bird by the English. He is about the size of the jay. His plumage is white as snow. On his forehead rises a spiral tube nearly three inches long. It is jet black, dotted all over with small white feathers. It has a communication with the palate, and when filled with air, looks like a spire; when empty, it becomes pendulous. His note is loud and clear, like the sound of a bell, and may be heard at the distance of three miles. In the midst of these extensive wilds, generally on the dried top of an aged mora, almost out of gun reach, you will see the campanero. No sound or song from any of the

winged inhabitants of the forest, not even the clearly pronounced "Whip-poor-Will," from the goatsucker, cause such astonishment as the toll of the campanero.

'With many of the feathered race he pays the common tribute of a morning and an evening song; and even when the meridian sun has shut in silence the mouths of almost the whole of animated nature, the campanero still cheers the forest. You hear his toll, and then a pause for a minute, then another toll, and then a pause again, and then a toll, and again a pause.'—(pp. 117, 118.)

It is impossible to contradict a gentleman who has been in the forests of Cayenne; but we are determined, as soon as a campanero is brought to England, to make him toll in a public place, and have the distance measured. The toucan has an enormous bill, makes a noise like a puppy dog, and lays his eggs in hollow trees. How astonishing are the freaks and fancies of nature! To what purpose, we say, is a bird placed in the woods of Cayenne, with a bill a yard long, making a noise like a puppy dog, and laying eggs in hollow trees? The toucans, to be sure, might retort, to what purpose were gentlemen in Bond Street created? To what purpose were certain foolish prating Members of Parliament created?—pestering the House of Commons with their ignorance and folly, and impeding the business of the country? There is no end of such questions. So we will not enter into the metaphysics of the toucan. The houtou ranks high in beauty; his whole body is green, his wings and tail blue, his crown is of black and blue; he makes no nest, but rears his young in the sand.

'The cassique, in size, is larger than the starling; he courts the society of man, but disdains to live by his labours. When Nature calls for support, he repairs to the neighbouring forest, and there partakes of the store of fruits and seeds, which she has produced in abundance for her aërial tribes. When his repast is over, he returns to man, and pays the little tribute which he owes him for his protection; he takes his station on a tree close to his house; and there, for hours together, pours forth a succession of imitative notes. His own song is sweet, but very short. If a toucan be yelping in the neighbourhood, he drops it, and imitates him. Then he will amuse his protector with

the cries of the different species of the woodpecker; and when the sheep bleat, he will distinctly answer them. Then comes his own song again, and if a puppy dog or a guinea fowl interrupt him, he takes them off admirably, and by his different gestures during the time, you would conclude that he enjoys the sport.

'The cassique is gregarious, and imitates any sound he hears with such exactness, that he goes by no other name than that of mocking-bird amongst the colonists.'—(pp. 127, 128.)

There is no end to the extraordinary noises of the forest of Cayenne. The woodpecker, in striking against the tree with his bill, makes a sound so loud, that Mr. Waterton says it reminds you more of a wood-cutter than a bird. While lying in your hammock, you hear the goatsucker lamenting like one in deep distress—a stranger would take it for a Weir murdered by Thurtell.

'Suppose yourself in hopeless sorrow, begin with a high loud note, and pronounce, "ha, ha, ha, ha, ha, ha ha," each note lower and lower, till the last is scarcely heard, pausing a moment or two betwixt every note, and you will have some idea of the moaning of the largest goatsucker in Demerara.'—(p. 141.)

One species of the goatsucker cries, 'Who are you? who are you?' Another exclaims, 'Work away, work away.' A third, 'Willy, come go, Willy, come go.' A fourth, 'Whip-poor-Will, Whip-poor-Will.' It is very flattering to us that they should all speak *English!*—though we cannot much commend the elegance of their selections. The Indians never destroy these birds, believing them to be the servants of Jumbo, the African devil.

Great travellers are very fond of triumphing over civilised life; and Mr. Waterton does not omit the opportunity of remarking, that nobody ever stopt him in the forests of Cayenne to ask him for his licence, or to inquire if he had a hundred a year, or to take away his gun, or to dispute the limits of a manor, or to threaten him with a tropical justice of the peace. We hope, however, that in this point we are on the eve of improvement. Mr. Peel, who is a man of high character and principles, may depend upon it that the time is

come for his interference, and that it will be a loss of reputation to him not to interfere. If any one else can and will carry an alteration through Parliament, there is no occasion that the hand of Government should appear; but some hand *must* appear. The common people are becoming ferocious, and the perdricide criminals are more numerous than the violators of all the branches of the Decalogue.

'The king of the vultures is very handsome, and seems to be the only bird which claims regal honours from a surrounding tribe. It is a fact beyond all dispute, that when the scent of carrion has drawn together hundreds of the common vultures, they all retire from the carcass as soon as the king of the vultures makes his appearance. When his majesty has satisfied the cravings of his royal stomach with the choicest bits from the most stinking and corrupted parts, he generally retires to a neighbouring tree, and then the common vultures return in crowds to gobble down his leavings. The Indians, as well as the whites, have observed this; for when one of them, who has learned a little English, sees the king, and wishes you to have a proper notion of the bird, he says, "There is the governor of the carrion crows."

'Now, the Indians have never heard of a personage in Demerara higher than that of governor; and the colonists, through a common mistake, call the vultures carrion crows. Hence the Indian, in order to express the dominion of this bird over the common vultures, tells you he is governor of the carrion crows. The Spaniards have also observed it, for, through all the Spanish Main he is called Rey de Zamuros, king of the vultures.'—(p. 146.)

This, we think, explains satisfactorily the origin of kingly government. As men have 'learnt from the dog the physic of the field,' they may probably have learnt from the vulture those high lessons of policy upon which, in Europe, we suppose the whole happiness of society, and the very existence of the human race, to depend.

Just before his third journey, Mr. Waterton takes leave of Sir Joseph Banks, and speaks of him with affectionate regret. 'I saw,' (says Mr. W.) 'with sorrow, that death was going to rob us of him. We talked

of stuffing quadrupeds; I agreed that the lips and nose ought to be cut off, and stuffed with wax.' This is the way great naturalists take an eternal farewell of each other! Upon stuffing animals, however, we have a word to say. Mr. Waterton has placed at the head of his book the picture of what he is pleased to consider a nondescript species of monkey. In this exhibition our author is surely abusing his stuffing talents, and laughing at the public. It is clearly the head of a Master in Chancery — whom we have often seen backing in the House of Commons after he has delivered his message. It is foolish thus to trifle with science and natural history. Mr. Waterton gives an interesting account of the sloth, an animal of which he appears to be fond, and whose habits he has studied with peculiar attention.

'Some years ago I kept a sloth in my room for several months. I often took him out of the house and placed him upon the ground, in order to have an opportunity of observing his motions. If the ground were rough, he would pull himself forwards, by means of his fore legs, at a pretty good pace; and he invariably shaped his course towards the nearest tree. But if I put him upon a smooth and well-trodden part of the road, he appeared to be in trouble and distress: his favourite abode was the back of a chair; and after getting all his legs in a line upon the topmost part of it, he would hang there for hours together, and often, with a low and inward cry, would seem to invite me to take notice of him.'— (p. 164.)

The sloth, in its wild state, spends its life in trees, and never leaves them but from force or accident. The eagle to the sky, the mole to the ground, the sloth to the tree; but what is most extraordinary, he lives not *upon* the branches, but *under* them. He moves suspended, rests suspended, sleeps suspended, and passes his life in suspense — like a young clergyman distantly related to a bishop. Strings of ants may be observed, says our good traveller, a mile long, each carrying in its mouth a green leaf the size of a sixpence! he does not say whether this is a loyal procession, like Oak-apple Day, or for what purpose these leaves are carried; but it appears, while they are carrying the leaves, that three

sorts of ant-bears are busy in eating them. The habits of the largest of these three animals are curious, and to us new. We recommend the account to the attention of the reader.

'He is chiefly found in the inmost recesses of the forest, and seems partial to the low and swampy parts near creeks, where the Troely tree grows. There he goes up and down in quest of ants, of which there is never the least scarcity; so that he soon obtains a sufficient supply of food, with very little trouble. He cannot travel fast; man is superior to him in speed. Without swiftness to enable him to escape from his enemies, without teeth, the possession of which would assist him in self-defence, and without the power of burrowing in the ground, by which he might conceal himself from his pursuers, he still is capable of ranging through these wilds in perfect safety; nor does he fear the fatal pressure of the serpent's fold, or the teeth of the famished jaguar. Nature has formed his fore legs wonderfully thick, and strong, and muscular, and armed his feet with three tremendous sharp and crooked claws. Whenever he seizes an animal with these formidable weapons, he hugs it close to his body, and keeps it there till it dies through pressure, or through want of food. Nor does the ant-bear, in the mean time, suffer much from loss of aliment, as it is a well-known fact that he can go longer without food than perhaps any other animal, except the land tortoise. His skin is of a texture that perfectly resists the bite of a dog; his hinder parts are protected by thick and shaggy hair, while his immense tail is large enough to cover his whole body.

'The Indians have a great dread of coming in contact with the ant-bear; and after disabling him in the chase, never think of approaching him till he be quite dead.'—(pp. 171, 172.)

The vampire measures about 26 inches from wing to wing. There are two species, large and small. The large suck men, and the smaller birds. Mr. W. saw some fowls which had been sucked the night before, and they were scarcely able to walk.

'Some years ago I went to the river Paumaron with a Scotch gentleman, by name Tarbet. We hung our hammocks in the thatched loft of a planter's house. Next morning I heard this gentleman muttering in his hammock, and now and then letting fall an imprecation or two, just about the time he ought to have been saying his morning prayers. "What is the matter,

Sir?" said I, softly; "is any thing amiss? — "What's the matter?" answered he, surlily; "why the vampires have been sucking me to death." As soon as there was light enough, I went to his hammock, and saw it much stained with blood. "There," said he, thrusting his foot out of the hammock, "see how these infernal imps have been drawing my life's blood." On examining his foot, I found the vampire had tapped his great toe: there was a wound somewhat less than that made by a leech; the blood was still oozing from it; I conjectured he might have lost from ten to twelve ounces of blood. Whilst examining it, I think I put him into a worse humour by remarking, that an European surgeon would not have been so generous as to have blooded him without making a charge. He looked up in my face, but did not say a word: I saw he was of opinion that I had better have spared this piece of ill-timed levity.'—(pp. 176, 177.)

The story which follows this account is vulgar, unworthy of Mr. Waterton, and should have been omitted.

Every animal has his enemies. The land tortoise has two enemies—man, and the boa constrictor. The natural defence of the tortoise is to draw himself up in his shell, and to remain quiet. In this state, the tiger, however famished, can do nothing with him, for the shell is too strong for the stroke of his paw. Man, however, takes him home and roasts him—and the boa constrictor swallows him whole, shell and all, and consumes him slowly in the interior, as the Court of Chancery does a great estate.

The danger seems to be much less with snakes and wild beasts, if you conduct yourself like a gentleman, and are not abruptly intrusive. If you will pass on gently, you may walk unhurt within a yard of the Labairi snake, who would put you to death if you rushed upon him. The taguan knocks you down with a blow of his paw, if suddenly interrupted, but will run away, if you will give him time to do so. In short, most animals look upon man as a very ugly customer; and, unless sorely pressed for food, or from fear of their own safety, are not fond of attacking him. Mr. Waterton, though much given to sentiment, made a Labairi snake

bite itself, but no bad consequences ensued—nor would any bad consequences ensue, if a court-martial were to order a sinful soldier to give himself a thousand lashes. It is barely possible that the snake had some faint idea whom and what he was biting.

Insects are the curse of tropical climates. The bête rouge lays the foundation of a tremendous ulcer. In a moment you are covered with ticks. Chigoes bury themselves in your flesh, and hatch a large colony of young chigoes in a few hours. They will not live together, but every chigoe sets up a separate ulcer, and has his own private portion of pus. Flies get entry into your mouth, into your eyes, into your nose; you eat flies, drink flies, and breathe flies. Lizards, cockroaches, and snakes, get into the bed; ants eat up the books; scorpions sting you on the foot. Every thing bites, stings, or bruises; every second of your existence you are wounded by some piece of animal life that nobody has ever seen before, except Swammerdam and Meriam. An insect with eleven legs is swimming in your teacup, a nondescript with nine wings is struggling in the small beer, or a caterpillar with several dozen eyes in his belly is hastening over the bread and butter! All nature is alive, and seems to be gathering all her entomological hosts to eat you up, as you are standing, out of your coat, waistcoat, and breeches. Such are the tropics. All this reconciles us to our dews, fogs, vapours, and drizzle —to our apothecaries rushing about with gargles and tinctures — to our old, British, constitutional coughs, sore throats, and swelled faces.

We come now to the counterpart of St. George and the Dragon. Every one knows that the large snake of tropical climates throws himself upon his prey, twists the folds of his body round the victim, presses him to death, and then eats him. Mr. Waterton wanted a large snake for the sake of his skin; and it occurred to him, that the success of this sort of combat depended upon who began first, and that if he could contrive to fling himself upon the snake, he was just as likely to send the snake to the British Museum, as the snake, if

allowed the advantage of prior occupation, was to eat him up. The opportunities which Yorkshire squires have of combating with the boa constrictor are so few, that Mr. Waterton must be allowed to tell his own story in his own manner.

'We went slowly on in silence, without moving our arms or heads, in order to prevent all alarm as much as possible, lest the snake should glide off, or attack us in self-defence. I carried the lance perpendicularly before me, with the point about a foot from the ground. The snake had not moved; and on getting up to him, I struck him with the lance on the near side, just behind the neck, and pinned him to the ground. That moment the negro next to me seized the lance and held it firm in its place, while I dashed head foremost into the den to grapple with the snake, and to get hold of his tail before he could do any mischief.

'On pinning him to the ground with the lance, he gave a tremendous loud hiss, and the little dog ran away, howling as he went. We had a sharp fray in the den, the rotten sticks flying on all sides, and each party struggling for superiority. I called out to the second negro to throw himself upon me, as I found I was not heavy enough. He did so, and the additional weight was of great service. I had now got firm hold of his tail; and after a violent struggle or two, he gave in, finding himself overpowered. This was the moment to secure him. So, while the first negro continued to hold the lance firm to the ground, and the other was helping me, I contrived to unloose my braces, and with them tied up the snake's mouth.

'The snake, now finding himself in an unpleasant situation, tried to better himself, and set resolutely to work, but we overpowered him. We contrived to make him twist himself round the shaft of the lance, and then prepared to convey him out of the forest. I stood at his head, and held it firm under my arm, one negro supported the belly, and the other the tail. In this order we began to move slowly towards home, and reached it after resting ten times; for the snake was too heavy for us to support him without stopping to recruit our strength. As we proceeded onwards with him, he fought hard for freedom, but it was all in vain.'—(pp. 202—204.)

One of these combats we should have thought sufficient for glory, and for the interests of the British Museum. But Hercules killed two snakes, and Mr. Waterton would not be content with less.

'There was a path where timber had formerly been dragged along. Here I observed a young coulacanara, ten feet long, slowly moving onwards; I saw he was not thick enough to break my arm, in case he got twisted round it. There was not a moment to be lost. I laid hold of his tail with the left hand, one knee being on the ground; with the right I took off my hat, and held it as you would hold a shield for defence.

'The snake instantly turned, and came on at me, with his head about a yard from the ground, as if to ask me what business I had to take liberties with his tail. I let him come, hissing and open-mouthed, within two feet of my face, and then, with all the force I was master of, I drove my fist, shielded by my hat, full in his jaws. He was stunned and confounded by the blow, and ere he could recover himself, I had seized his throat with both hands, in such a position that he could not bite me; I then allowed him to coil himself round my body, and marched off with him as my lawful prize. He pressed me hard, but not alarmingly so.'—(pp. 206, 207.)

When the body of the large snake began to smell, the vultures immediately arrived. The king of the vultures first gorged himself, and then retired to a large tree while his subjects consumed the remainder. It does not appear that there was any favouritism. When the king was full, all the mob vultures ate alike; neither could Mr. Waterton perceive that there was any division into Catholic and Protestant vultures, or that the majority of the flock thought it essentially vulturish to exclude one third of their numbers from the blood and entrails. The vulture, it is remarkable, never eats live animals. He seems to abhor every thing which has not the relish of putrescence and flavour of death. The following is a characteristic specimen of the little inconveniences to which travellers are liable, who sleep on the feather beds of the forest. To see a rat in a room in Europe insures a night of horror. Every thing is by comparison.

'About midnight, as I was lying awake, and in great pain, I heard the Indians say, "Massa, massa, you no hear tiger?" I listened attentively, and heard the softly sounding tread of his feet as he approached us. The moon had gone down; but every now and then we could get a glance of him by the light

of our fire: he was the jaguar, for I could see the spots on his body. Had I wished to have fired at him, I was not able to take a sure aim, for I was in such pain that I could not turn myself in my hammock. The Indian would have fired, but I would not allow him to do so, as I wanted to see a little more of our new visiter; for it is not every day or night that the traveller is favoured with an undisturbed sight of the jaguar in his own forest.

'Whenever the fire got low, the jaguar came a little nearer, and when the Indian renewed it, he retired abruptly; sometimes he would come within twenty yards, and then we had a view of him, sitting on his hind legs like a dog; sometimes he moved slowly to and fro, and at other times we could hear him mend his pace, as if impatient. At last the Indian, not relishing the idea of having such company in the neighbourhood, could contain himself no longer, and set up a most tremendous yell. The jaguar bounded off like a race-horse, and returned no more: it appeared, by the print of his feet the next morning, that he was a full-grown jaguar.'—(pp. 212, 213.)

We have seen Mr. Waterton fling himself upon a snake; we shall now mount him upon a crocodile, undertaking that this shall be the last of his feats exhibited to the reader. He had baited for a cayman or crocodile, the hook was swallowed, and the object was to pull the animal up and to secure him. 'If you pull him up, say the Indians, 'as soon as he sees you on the brink of the river, he will run at you and destroy you.' 'Never mind,' says our traveller, 'pull away, and leave the rest to me.' And accordingly he places himself upon the shore, with the mast of the canoe in his hand, ready to force it down the throat of the crocodile as soon as he makes his appearance.

'By the time the cayman was within two yards of me, I saw he was in a state of fear and perturbation; I instantly dropped the mast, sprung up, and jumped on his back, turning half round as I vaulted, so that I gained my seat with my face in a right position. I immediately seized his fore legs, and, by main force, twisted them on his back; thus they served me for a bridle.

'He now seemed to have recovered from his surprise, and probably fancying himself in hostile company, he began to plunge furiously, and lashed the sand with his long and powerful

tail. I was out of reach of the strokes of it, by being near his head. He continued to plunge and strike, and made my seat very uncomfortable. It must have been a fine sight for an unoccupied spectator.

'The people roared out in triumph, and were so vociferous, that it was some time before they heard me tell them to pull me and my beast of burden farther in land. I was apprehensive the rope might break, and then there would have been every chance of going down to the regions under water with the cayman. That would have been more perilous than Arion's marine morning ride:—

"Delphini insidens, vada cærula sulcat Arion."

'The people now dragged us above forty yards on the sand: it was the first and last time I was ever on a cayman's back. Should it be asked, how I managed to keep my seat, I would answer—I hunted some years with Lord Darlington's fox-hounds.'—(pp. 231, 232.)

The Yorkshire gentlemen have long been famous for their equestrian skill; but Mr. Waterton is the first among them of whom it could be said that he has a fine hand upon a crocodile. This accursed animal, so ridden by Mr. Waterton, is the scourge and terror of all the large rivers in South America near the Line. Their boldness is such, that a cayman has sometimes come out of the Oroonoque, at Angustura, near the public walks where the people were assembled, seized a full-grown man, as big as Sir William Curtis after dinner, and hurried him into the bed of the river for his food. The governor of Angustura witnessed this circumstance himself.

Our Eboracic traveller had now been nearly eleven months in the desert, and not in vain. Shall we express our doubts, or shall we confidently state at once the immense wealth he had acquired?—a prodigious variety of insects, two hundred and thirty birds, ten land-tortoises, five armadillas, two large serpents, a sloth, an ant-bear, and a cayman. At Liverpool, the Custom-house officers, men ignorant of Linnæus, got hold of his collection, detained it six weeks, and, in spite of remonstrances to the Treasury, he was forced to pay

very high duties. This is really perfectly absurd; that a man of science cannot bring a pickled armadilla, for a collection of natural history, without paying a tax for it. This surely must have happened in the dark days of Nicolas. We cannot doubt but that such paltry exactions have been swept away by the manly and liberal policy of Robinson and Huskisson. That a great people should compel an individual to make them a payment before he can be permitted to land a stuffed snake upon their shores, is, of all the paltry Custom-house robberies we ever heard of, the most mean and contemptible—but *Major rerum ordo nascitur*.

The *fourth* journey of Mr. Waterton is to the United States. It is pleasantly written; but our author does not appear as much at home among men as among beasts. Shooting, stuffing, and pursuing are his occupations. He is lost in places where there are no bushes, snakes, nor Indians—but he is full of good and amiable feeling wherever he goes. We cannot avoid introducing the following passage:—

'The steam-boat from Quebec to Montreal had above five hundred Irish emigrants on board. They were going "they hardly knew whither," far away from dear Ireland. It made one's heart ache to see them all huddled together, without any expectation of ever revisiting their native soil. We feared that the sorrow of leaving home for ever, the miserable accommodations on board the ship which had brought them away, and the tossing of the angry ocean, in a long and dreary voyage, would have rendered them callous to good behaviour. But it was quite otherwise. They conducted themselves with great propriety. Every American on board seemed to feel for them. And then, "they were so full of wretchedness. Need and oppression stared within their eyes. Upon their backs hung ragged misery. The world was not their friend." "Poor dear Ireland," exclaimed an aged female, as I was talking to her, "I shall never see it any more!"'—(pp. 259, 260.)

And thus it is in every region of the earth! There is no country where an Englishman can set his foot, that he does not meet these miserable victims of English cruelty and oppression—banished from their

country by the stupidity, bigotry, and meanness of the English people, who trample on their liberty and conscience, because each man is afraid, in another reign, of being out of favour, and losing his share in the spoil.

We are always glad to see America praised (slavery excepted). And yet there is still, we fear, a party in this country, who are glad to pay their court to the timid and the feeble, by sneering at this great spectacle of human happiness. We never think of it without considering it as a great lesson to the people of England, to look into their own affairs, to watch and suspect their rulers, and not to be defrauded of happiness and money by pompous names, and false pretences.

'Our western brother is in possession of a country replete with every thing that can contribute to the happiness and comfort of mankind. His code of laws, purified by experience and common sense, has fully answered the expectations of the public. By acting up to the true spirit of this code, he has reaped immense advantages from it. His advancement, as a nation, has been rapid beyond all calculation; and, young as he is, it may be remarked, without any impropriety, that he is now actually reading a salutary lesson to the rest of the civilised world.'—(p. *273.*)

Now, what shall we say, after all, of Mr. Waterton? That he has spent a great part of his life in wandering in the wild scenes he describes, and that he describes them with entertaining zeal and real feeling. His stories draw largely sometimes on our faith; but a man who lives in the woods of Cayenne must do many odd things, and see many odd things—things utterly unknown to the dwellers in Hackney and Highgate. We do not want to rein up Mr. Waterton too tightly—because we are convinced he goes best with his head free. But a little less of apostrophe, and some faint suspicion of his own powers of humour, would improve this gentleman's style. As it is, he has a considerable talent at describing. He abounds with good feeling;

and has written a very entertaining book, which hurries the reader out of his European parlour, into the heart of tropical forests, and gives, over the rules and the cultivation of the civilised parts of the earth, a momentary superiority to the freedom of the savage, and the wild beauties of Nature. We honestly recommend the book to our readers: it is well worth the perusal.

GRANBY. (E. Review, 1826.)

Granby. A Novel in Three Volumes. London, Colburn, 1826.

There is nothing more amusing in the spectacles of the present day, than to see the Sir John's and Sir Thomas's of the House of Commons struck aghast by the useful science and wise novelties of Mr. Huskisson and the Chancellor of the Exchequer. Treason, Disaffection, Atheism, Republicanism, and Socinianism—the great guns in the Noodle's park of artillery—they cannot bring to bear upon these gentlemen. Even to charge with a regiment of ancestors is not quite so efficacious as it used to be; and all that remains, therefore, is to rail against Peter M'Culloch and Political Economy! In the mean time, day after day, down goes one piece of nonsense or another. The most approved trash, and the most trusty clamours, are found to be utterly powerless. Twopenny taunts and trumpery truisms have lost their destructive omnipotence; and the exhausted common-placemen, and the afflicted fool, moan over the ashes of Imbecility, and strew flowers on the urn of Ignorance! General Elliot found the London tailors in a state of mutiny, and he raised from them a regiment of light cavalry, which distinguished itself in a very striking manner at the battle of Minden. In humble imitation of this example, we shall avail ourselves of the present political disaffection and unsatisfactory idleness of many men of rank and consequence, to request their attention to the Novel of Granby—written, as we have heard, by a young gentleman of the name of Lister*, and from which we have derived a considerable deal of pleasure and entertainment.

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* This is the gentleman who now keeps the keys of Life and Death, the Janitor of the world.

The main question as to a novel is — did it amuse? were you surprised at dinner coming so soon? did you mistake eleven for ten, and twelve for eleven? were you too late to dress? and did you sit up beyond the usual hour? If a novel produces these effects, it is good; if it does not — story, language, love, scandal itself cannot save it. It is only meant to please; and it must do that, or it does nothing. Now Granby seems to us to answer this test extremely well; it produces unpunctuality, makes the reader too late for dinner, impatient of contradiction, and inattentive, — even if a bishop is making an observation, or a gentleman, lately from the Pyramids, or the Upper Cataracts, is let loose upon the drawing-room. The objection, indeed, to these compositions, when they are well done, is, that it is impossible to do any thing, or perform any human duty, while we are engaged in them. Who can read Mr. Hallam's Middle Ages, or extract the root of an impossible quantity, or draw up a bond, when he is in the middle of Mr. Trebeck and Lady Charlotte Duncan? How can the boy's lesson be heard, about the Jove-nourished Achilles, or his six miserable verses upon Dido be corrected, when Henry Granby and Mr. Courtenay are both making love to Miss Jermyn? Common life palls in the middle of these artificial scenes. All is emotion when the book is open — all dull, flat, and feeble when it is shut.

Granby, a young man of no profession, living with an old uncle in the country, falls in love with Miss Jermyn, and Miss Jermyn with him; but Sir Thomas and Lady Jermyn, as the young gentleman is not rich, having discovered, by long living in the world and patient observation of its ways, that young people are commonly Malthus-proof and have children, and that young and old must eat, very naturally do what they can to discourage the union. The young people, however, both go to town — meet at balls — flutter, blush, look and cannot speak — speak and cannot look, — suspect, misinterpret, are sad and mad, peevish and jealous, fond and foolish; but the passion, after all,

seems less near to its accomplishment at the end of the season than the beginning. The uncle of Granby, however, dies, and leaves to his nephew a statement accompanied with the requisite proofs — that Mr. Tyrrel, the supposed son of Lord Malton, is illegitimate, and that he, Granby, is the heir to Lord Malton's fortune. The second volume is now far advanced, and it is time for Lord Malton to die. Accordingly Mr. Lister very judiciously despatches him; Granby inherits the estate — his virtues (for what shows off virtue like land?) are discovered by the Jermyns — and they marry in the last act.

Upon this slender story, the author has succeeded in making a very agreeable and interesting novel; and he has succeeded, we think, chiefly by the very easy and natural picture of manners, as they really exist among the upper classes: by the description of new characters judiciously drawn and faithfully preserved; and by the introduction of many striking and well-managed incidents; and we are particularly struck throughout the whole with the discretion and good sense of the author. He is never *nimious;* there is nothing in excess; there is a good deal of fancy and a great deal of spirit at work, but a directing and superintending judgment rarely quits him.

We would instance, as a proof of his tact and talent, the visit at Lord Daventry's, and the description of characters of which the party is composed. There are absolutely no events; nobody runs away, goes mad, or dies. There is little of love, or of hatred; no great passion comes into play; but nothing can be further removed from dulness and insipidity. Who has ever lived in the world without often meeting the Miss Cliftons?

'The Miss Cliftons were good-humoured girls; not handsome, but of pleasing manners, and sufficiently clever to keep up the ball of conversation very agreeably for an occasional half hour. They were always *au courant du jour,* and knew and saw the first of every thing — were in the earliest confidence of

many a bride elect, and could frequently tell that a marriage was "off" long after it had been announced as "on the tapis" in the morning papers—always knew something of the new opera, or the new Scotch novel, before any body else did—were the first who made fizgigs, or acted charades—contrived to have private views of most exhibitions, and were supposed to have led the fashionable throng to the Caledonian Chapel, Cross Street, Hatton Garden. Their employments were like those of most other girls: they sang, played, drew, rode, read occasionally, spoiled much muslin, manufactured purses, handscreens, and reticules for a repository, and transcribed a considerable quantity of music out of large fair print into diminutive manuscript.

'Miss Clifton was clever and accomplished; rather cold, but very conversible; collected seals, franks, and anecdotes of the day; and was a great retailer of the latter. Anne was odd and entertaining; was a formidable quizzer, and no mean caricaturist; liked fun in most shapes; and next to making people laugh, had rather they stared at what she said. Maria was the echo of the other two: vouched for all Miss Clifton's anecdotes, and led the laugh at Anne's repartees. They were plain, and they knew it; and cared less about it than young ladies usually do. Their plainness, however, would have been less striking, but for that hard, pale, parboiled town look,—that stamp of fashion, with which late hours and hot rooms generally endow the female face.'—(pp. 103—105.)

Having introduced our reader to the Miss Cliftons, we must make him acquainted with Mr. Trebeck, one of those universally appearing gentlemen and tremendous table tyrants, by whom London society is so frequently governed:—

'Mr. Trebeck had great powers of entertainment, and a keen and lively turn for satire; and could talk down his superiors, whether in rank or talent, with very imposing confidence. He saw the advantages of being formidable, and observed with derision how those whose malignity he pampered with ridicule of others, vainly thought to purchase by subserviency exemption for themselves. He had sounded the gullibility of the world; knew the precise current value of pretension; and soon found himself the acknowledged umpire, the last appeal, of many contented followers.

'He seldom committed himself by praise or recommendation, but rather left his example and adoption to work its way. As for censure, he had both ample and witty store; but here too

he often husbanded his remarks, and where it was needless or dangerous to define a fault, could check admiration by an incredulous smile, and depress pretensions of a season's standing by the raising of an eyebrow. He had a quick perception of the foibles of others, and a keen relish for bantering and exposing them. No keeper of a menagerie could better show off a monkey than he could an "original." He could ingeniously cause the unconscious subject to place his own absurdities in the best point of view, and would cloak his derision under the blandest cajolery. Imitators he loved much; but to baffle them — more. He loved to turn upon the luckless adopters of his last folly, and see them precipitately back out of the scrape into which he himself had led them.

'In the art of cutting he shone unrivalled; he knew the "when," the "where," and the "how." Without affecting useless short-sightedness, he could assume that calm but wandering gaze, which veers, as if unconsciously, round the proscribed individual; neither fixing, nor to be fixed; not looking on vacancy, nor on any one object; neither occupied nor abstracted; a look which perhaps excuses you to the person *cut*, and, at any rate, prevents him from accosting you. Originality was his idol. He wished to astonish, even if he did not amuse; and had rather say a silly thing than a common-place one. He was led by this sometimes even to approach the verge of rudeness and vulgarity; but he had considerable tact, and a happy hardihood, which generally carried him through the difficulties into which his fearless love of originality brought him. Indeed, he well knew that what would, in the present condition of his reputation, be scouted in any body else, would pass current with the world in him. Such was the far-famed and redoubtable Mr. Trebeck.'—(pp. 109—112.)

This sketch we think exceedingly clever. But we are not sure that its merit is fully sustained by the actual presentment of its subject. He makes his debut at dinner very characteristically, by gliding in quietly after it is half over; but in the dialogue which follows with Miss Jermyn, he seems to us a little too resolutely witty, and somewhat affectedly odd—though the whole scene is executed with spirit and talent.

'The Duke had been discoursing on cookery, when Mr. Trebeck turned to her, and asked in a low tone if she had ever met the Duke before — "I assure you," said he, that upon *that*

subject he is well worth attending to. He is supposed to possess more true science than any amateur of his day. By the by, what is the dish before you? It looks well, and I see you are eating some of it. Let me recommend it to him upon your authority; I dare not upon my own."—"Then pray do not use mine."—"Yes I will, with your permission; I'll tell him you thought, by what dropped from him in conversation, that it would exactly suit the genius of his taste. Shall I? Yes. —Duke," (raising his voice a little, and speaking across the table,) —"Oh, no! how can you?"—"Why not?—Duke," (with a glance at Caroline,) "will you allow me to take wine with you?"—"I thought," said she, relieved from her trepidation, and laughing slightly, "you would never say any thing so very strange."—"You have too good an opinion of me; I blush for my unworthiness. But confess, that in fact you were rather alarmed at the idea of being held up to such a critic as the recommender of a bad dish."—"Oh no, I was not thinking of that; but I hardly know the Duke: and it would have seemed so odd; and perhaps he might have thought that I had really told you to say something of that kind."—"Of course he would; but you must not suppose that he would have been at all surprised at it. I'm afraid you are not aware of the full extent of your privileges, and are not conscious how many things young ladies can, and may, and will do."—"Indeed I am not —perhaps you will instruct me."—"Ah, I never do that for any body. I like to see young ladies instruct themselves. It is better for them, and much more amusing to me. But, however, for once I will venture to tell you, that a very competent knowledge of the duties of women may, with proper attention, be picked up in a ball room."—"Then I hope," said she, laughing, "you will attribute my deficiency to my little experience of balls. I have only been at two."—"Only two! and one of them I suppose a race ball. Then you have not yet experienced any of the pleasures of a London season? Never had the dear delight of seeing and being seen, in a well of tall people at a rout, or passed a pleasant hour at a ball upon a staircase? I envy you. You have much to enjoy."—"You do not mean that I really have?"—"Yes—really. But let me give you a caution or two. Never dance with any man without first knowing his character and condition, on the word of two credible chaperons. At balls, too, consider what you come for —to dance, of course, and not to converse; therefore, never talk yourself, nor encourage it in others."—"I'm afraid I can only answer for myself."—"Why, if foolish, well-meaning people will choose to be entertaining, I question if you have the

power of frowning them down in a very forbidding manner; but I would give them no countenance nevertheless."—"Your advice seems a little ironical."—"Oh, you may either follow it or reverse it—that is its chief beauty. It is equally good taken either way." After a slight pause he continued—"I hope you do not sing, or play, or draw, or do any thing that every body else does."—"I am obliged to confess that I do a little—very little—in each."—"I understand your 'very little;' I'm afraid you are accomplished."—"You need have no fear of that. But why are you an enemy to all accomplishments?"—"All accomplishments? Nay, surely, you do not think me an enemy to all? What can you possibly take me for?"—"I do not know," said she, laughing slightly.—"Yes, I see you do not know exactly what to make of me—and you are not without your apprehensions. I can perceive that, though you try to conceal them—But never mind. I am a safe person to sit near—sometimes. I am to-day. This is one of my lucid intervals. I'm much better, thanks to my keeper. There he is, on the other side of the table—the tall man in black," (pointing out Mr. Bennet,) "a highly respectable kind of person. I came with him here for change of air. How do you think I look at present?"—Caroline could not answer him for laughing.—"Nay, said he, "it is cruel to laugh on such a subject. It is very hard that you should do that, and misrepresent my meaning too."—"Well then," said Caroline, resuming a respectable portion of gravity, "that I may not be guilty of that again, what accomplishments do you allow to be tolerable?"—"Let me see," said he, with a look of consideration; "you may play a waltz with one hand, and dance as little as you think convenient. You may draw caricatures of your intimate friends. You may *not* sing a note of Rossini; nor sketch gate-posts and donkeys after nature. You may sit to a harp, but you need not play it. You must not paint miniatures nor copy Swiss costumes. But you may manufacture any thing—from a cap down to a pair of shoes—always remembering that the less useful your work the better. Can you remember all this?"—"I do not know," said she, "it comprehends so much; and I am rather puzzled between the 'mays' and 'must nots.' However, it seems, according to your code, that very little is to be required of me; for you have not mentioned any thing that I positively *must* do."—"Ah, well, I can reduce all to a very small compass. You must be an archeress in the summer, and a skater in the winter, and play well at billiards all the year; and if you do these extremely well, my admiration will have no bounds."—"I believe I must forfeit all claim to your admira-

tion then, for unfortunately I am not so gifted."—"Then you must place it to the account of your other gifts."—"Certainly —when it comes."—"Oh! it is sure to come, as you well know: but, nevertheless, I like that incredulous look extremely."—He then turned away, thinking probably that he had paid her the compliment of sufficient attention, and began a conversation with the Duchess, which was carried on in such a well-regulated under-tone, as to be perfectly inaudible to any but themselves.'—(pp. 92—99.)

The bustling importance of Sir Thomas Jermyn, the fat Duke and his right-hand man the blunt toad-eater, Mr. Charlecote, a loud noisy sportsman, and Lady Jermyn's worldly prudence, are all displayed and managed with considerable skill and great power of amusing. One little sin against good taste, our author sometimes commits—an error from which Sir Walter Scott is not exempt. We mean the humour of giving characteristic names to persons and places; for instance, Sir Thomas Jermyn is Member of Parliament for the town of Rottenborough. This very easy and appellative jocularity seems to us, we confess, to savour a little of vulgarity; and is therefore quite as unworthy of Mr. Lister, as Dr. Dryasdust is of Sir Walter Scott. The plainest names which can be found (Smith, Thomson, Johnson, and Simson, always excepted), are the best for novels. Lord Chesterton we have often met with; and suffered a good deal from his Lordship: a heavy, pompous, meddling peer, occupying a great share of the conversation —saying things in ten words which required only two, and evidently convinced that he is making a great impression; a large man, with a large head, and very landed manner; knowing enough to torment his fellow creatures, not to instruct them — the ridicule of young ladies, and the natural butt and target of wit. It is easy to talk of carnivorous animals and beasts of prey; but does such a man, who lays waste a whole party of civilised beings by prosing, reflect upon the joys he spoils, and the misery he creates, in the course of his life? and that any one who listens to him through politeness, would prefer toothach or earach to his conver-

sation? Does he consider the extreme uneasiness which ensues, when the company have discovered a man to be an extremely absurd person, at the same time that it is absolutely impossible to convey, by words or manner, the most distant suspicion of the discovery? And then, who punishes this bore? What sessions and what assizes for him? What bill is found against him? Who indicts him? When the judges have gone their vernal and autumnal rounds — the sheep-stealer disappears — the swindler gets ready for the Bay — the solid parts of the murderer are preserved in anatomical collections. But, after twenty years of crime, the bore is discovered in the same house, in the same attitude, eating the same soup, — unpunished, untried, undissected — no scaffold, no skeleton — no mob of gentlemen and ladies to gape over his last dying speech and confession.

The scene of quizzing the country neighbours is well imagined, and not ill executed; though there are many more fortunate passages in the book. The elderly widows of the metropolis beg, through us, to return their thanks to Mr. Lister for the following agreeable portrait of Mrs. Dormer.

'It would be difficult to find a more pleasing example than Mrs. Dormer, of that much libelled class of elderly ladies of the world, who are presumed to be happy only at the card table; to grow in bitterness as they advanced in years, and to haunt, like restless ghosts, those busy circles which they no longer either enliven or adorn. Such there may be; but of these she was not one. She was the frequenter of society, but not its slave. She had great natural benevolence of disposition; a friendly vivacity of manners, which endeared her to the young, and a steady good sense, which commanded the respect of her contemporaries; and many, who did not agree with her on particular points, were willing to allow that there was a good deal of reason in Mrs. Dormer's *prejudices*. She was, perhaps, a little blind to the faults of her friends; a defect of which the world could not cure her; but she was very kind to their virtues. She was fond of young people, and had an unimpaired gaiety about her, which seemed to expand in the contact with them; and she was anxious to promote, for their sake, even those amusements for which she had lost all taste herself. She

was — but after all, she will be best described by negatives. She was not a match-maker, or mischief-maker; nor did she plume herself upon her charity, in implicitly believing only just half of what the world says. She was no retailer of scandalous "*on dits.*" She did not combat wrinkles with rouge; nor did she labour to render years less respected by a miserable affectation of girlish fashions. She did not stickle for the inviolable exclusiveness of certain sects; nor was she afraid of being known to visit a friend in an unfashionable quarter of the town. She was no worshipper of mere rank. She did not patronise oddities; nor sanction those who delight in braving the rules of common decency. She did not evince her sense of propriety, by shaking hands with the recent defendant in a Crim. Con. cause; nor exhale her devotion in Sunday routs.'—(pp. 243, 244.)

Mrs. Clotworthy, we are afraid, will not be quite so well pleased with the description of her rout. Mrs. Clotworthy is one of those ladies who have ices, fiddlers, and fine rooms, but no fine friends. But fine friends may always be had, where there are ices, fiddlers, and fine rooms: and so, with ten or a dozen stars and an Oonalaska chief, and followed by all vicious and salient London, Mrs. Clotworthy takes the field.

'The poor woman seemed half dead with fatigue already; and we cannot venture to say whether the prospect of five hours more of this high-wrought enjoyment tended much to brace her to the task. It was a brilliant sight, and an interesting one, if it could have been viewed from some fair vantage ground, with ample space, in coolness and in quiet. Rank, beauty, and splendour, were richly blended. The gay attire; the glittering jewels; the more resplendent features they adorned, and too frequently the rouged cheek of the sexagenarian: the vigilant chaperon; the fair but languid form which she conducted; well curled heads, well propped with starch; well whiskered guardsmen! and here and there fat good-humoured elderly gentlemen, with stars upon their coats;—all these united in one close medley—a curious piece of living mosaic. Most of them came to see and be seen; some of the most youthful professedly to dance; yet how could they? at any rate they tried.—They stood, if they could, with their vis-à-vis facing them,—and sidled across—and back again and made one step,—or two if there was room, to the right or left, and joined hands and set—

perhaps, and turned their partners, or dispensed with it if necessary — and so on to the end of "La Finale;" and then comes a waltz for the few who choose it — and then another squeezy quadrille — and so on — and on, till the weary many "leave ample room and verge enough" for the persevering few to figure in with greater freedom.

'But then they talk; oh! ay! true, we must not forget the charms of conversation. And what passes between nine-tenths of them! Remarks on the heat of the room; the state of the crowd; the impossibility of dancing, and the propriety nevertheless of attempting it; that on last Wednesday was a bad Almack's, and on Thursday a worse Opera; that the new ballet is supposed to be good; mutual inquiries how they like Pasta, or Catalani, or whoever the syren of the day may be; whether they have been at Lady A.'s, and whether they are going to Mrs. B.'s; whether they think Miss Such-a-one handsome; and what is the name of the gentleman talking to her; whether Rossini's music makes the best quadrilles, and whether Collinet's band are the best to play them. There are many who pay in better coin; but the small change is much of this description.'— (I. 249—251.)

We consider the following description of London, as it appears to a person walking home after a rout, at four or five o'clock in the morning, to be as poetical as anything written on the forests of Guiana, or the falls of Niagara:—

'Granby followed them with his eyes; and now, too full of happiness to be accessible to any feelings of jealousy or repining, after a short reverie of the purest satisfaction, he left the ball, and sallied out into the fresh cool air of a summer morning—suddenly passing from the red glare of lamp-light, to the clear sober brightness of returning day. He walked cheerfully onward, refreshed and exhilarated by the air of morning, and interested with the scene around him. It was broad day-light, and he viewed the town under an aspect in which it is alike presented to the late retiring votary of pleasure, and to the early rising sons of business. He stopped on the pavement of Oxford Street, to contemplate the effect. The whole extent of that long vista, unclouded by the mid-day smoke, was distinctly visible to his eye at once. The houses shrunk to half their span, while the few visible spires of the adjacent churches seemed to rise less distant than before, gaily tipped with early sunshine, and much diminished in apparent size, but heightened in distinctness and in beauty. Had it not been for the cool

grey tint which slightly mingled with every object, the brightness was almost that of noon. But the life, the bustle, the busy din, the flowing tide of human existence, were all wanting to complete the similitude. All was hushed and silent; and this mighty receptacle of human beings, which a few short hours would wake into active energy and motion, seemed like a city of the dead.

'There was little to break this solemn illusion. Around were the monuments of human exertion, but the hands which formed them were no longer there. Few, if any, were the symptoms of life. No sounds were heard but the heavy creaking of a solitary waggon; the twittering of an occasional sparrow; the monotonous tone of the drowsy watchman; and the distant rattle of the retiring carriage, fading on the ear till it melted into silence: and the eye that searched for living objects fell on nothing but the grim great-coated guardian of the night, muffled up into an appearance of doubtful character between bear and man, and scarcely distinguishable, by the colour of his dress, from the brown flags along which he sauntered.'—(pp. 297—299.)

One of the most prominent characters of the book, and the best drawn, is that of Tyrrel, son of Lord Malton, a noble blackleg, a titled gamester, and a profound plotting villain—a man, in comparison of whom nine-tenths of the persons hung in Newgate are pure and perfect. The profound dissimulation and wicked artifices of this diabolical person are painted with great energy and power of description. The party at whist made to take in Granby is very good, and that part of the story where Granby compels Tyrrel to refund what he has won of Courtenay is of first-rate dramatic excellence; and if any one wishes for a short and convincing proof of the powers of the writer of this novel —to that scene we refer him. It shall be the taster of the cheese, and we are convinced it will sell the whole article. We are so much struck with it that we advise the author to consider seriously whether he could not write a good play. It is many years since a good play has been written. It is about time, judging from the common economy of nature, that a good dramatic writer should appear. We promise Mr. Lister sincerely,

that the Edinburgh Review shall rapidly undeceive him if he mistake his talents: and that his delusion shall not last beyond the first tragedy or comedy.

The picture at the exhibition is extremely well managed, and all the various love-tricks of attempting to appear indifferent, are, as well as we can remember, from the life. But it is thirty or forty years since we have been in love.

The horror of an affectionate and dexterous mamma is a handsome young man without money; and the following lecture deserves to be committed to memory by all managing mothers, and repeated at proper intervals to the female progeny.

'"True, my love, but understand me. I don't wish you positively to *avoid* him. I would not go away, for instance, if I saw him coming, or even turn my head that I might not see him as he passed. That would be two *broad* and marked. People might notice it. It would look *particular*. We should never do any thing that looks *particular*. No, I would answer him civilly and composedly whenever he spoke to me, and then pass on, just as you might in the case of any body else. But I leave all this to your own tact and discretion, of which nobody has more for her age. I am sure you can enter into all these niceties, and that my observations will not be lost upon you. And now, my love, let me mention another thing. You must get over that little embarrassment which I see you show whenever you meet him. It was very natural and excusable the first time, considering our long acquaintance with him and the General: but we must make our conduct conform to circumstances; so try to get the better of this little flutter: it does not look well, and might be observed. There is no quality more valuable in a young person than self-possession. So you must keep down these blushes," said she, patting her on the cheek, "or I believe I must rouge you:—though it would be a thousand pities, with the pretty natural colour you have. But you must remember what I have been saying. Be more composed in your behaviour. Try to adopt the manner which I do. It may be difficult; but you see I contrive it, and I have known Mr. Granby a great deal longer than you have, Caroline."'—(pp. 21, 22.)

These principles are of the highest practical importance in an age when the art of marrying daughters is carried to the highest pitch of excellence, when love

must be made to the young men of fortune, not only by the young lady, who must appear to be dying for him, but by the father, mother, aunts, cousins, tutor, gamekeeper, and stable-boy—assisted by the parson of the parish, and the churchwardens. If any of these fail, Dives pouts, and the match is off.

The merit of this writer is, that he catches delicate portraits, which a less skilful artist would pass over, from not thinking the features sufficiently marked. We are struck, however, with the resemblance, and are pleased with the conquest of difficulties—we remember to have seen such faces, and are sensible that they form an agreeable variety to the expression of more marked and decided character. Nobody, for instance, can deny that he is acquainted with Miss Darrell.

'Miss Darrell was not strictly a beauty. She had not, as was frequently observed by her female friends, and unwillingly admitted by her male admirers, a single truly good feature in her face. But who could quarrel with the *tout ensemble?* who but must be dazzled with the graceful animation with which those features were lighted up? Let critics hesitate to pronounce her beautiful; at any rate they must allow her to be fascinating. Place her a perfect stranger in a crowded assembly, and she would first attract his eye; correcter beauties would pass unnoticed, and his first attention would be riveted by her. She was all brilliancy and effect; but it were hard to say she studied it; so little did her spontaneous, airy graces convey the impression of premeditated practice. She was a sparkling tissue of little affectations, which, however, appeared so interwoven with herself, that their seeming artlessness disarmed one's censure. Strip them away, and you destroyed at once the brilliant being that so much attracted you; and it thus became difficult to condemn what you felt unable, and indeed, unwilling, to remove. With positive affectation, malevolence itself could rarely charge her; and prudish censure seldom exceeded the guarded limits of a dry remark, that Miss Darrell had "a good deal of manner."

'Eclat she sought, and gained. Indeed, she was both formed to gain it, and disposed to desire it. But she required an extensive sphere. A ball-room was her true arena: for she waltzed "*à ravir,*" and could talk enchantingly about nothing. She was devoted to fashion, and all its ficklenesses, and went to the ex-

treme whenever she could do so consistently with grace. But she aspired to be a leader as well as a follower; seldom, if ever adopted a mode that was unbecoming to herself, and dressed to suit the genius of her face.'—(pp. 28, 29.)

Tremendous is the power of a novelist! If four or five men are in a room, and show a disposition to break the peace, no human magistrate (not even Mr. Justice Bayley) could do more than bind them over to keep the peace, and commit them if they refused. But the writer of the novel stands with a pen in his hand, and can run any of them through the body,—can knock down any one individual, and keep the others upon their legs; or, like the last scene in the first tragedy written by a young man of genius, can put them all to death. Now, an author possessing such extraordinary privileges, should not have allowed Mr. Tyrrel to strike Granby. This is ill managed; particularly as Granby does not return the blow, or turn him out of the house. Nobody should suffer his hero to have a black eye, or to be pulled by the nose. The Iliad would never have come down to these times if Agamemnon had given Achilles a box on the ear. We should have trembled for the Æneid, if any Tyrian nobleman had kicked the pious Æneas in the 4th book. Æneas may have deserved it; but he could not have founded the Roman Empire after so distressing an accident.

HAMILTON'S METHOD OF TEACHING LANGUAGES. (E. Review, 1826.)

1. *The Gospel of St. John, in Latin, adapted to the Hamiltonian System, by an Analytical and Interlineary Translation.* Executed under the immediate Direction of James Hamilton. London, 1824.

2. *The Gospel of St. John, adapted to the Hamiltonian System, by an Analytical and Interlineary Translation from the Italian, with full Instructions for its use, even by those who are wholly ignorant of the Language. For the Use of Schools.* By James Hamilton, Author of the Hamiltonian System. London, 1825.

We have nothing whatever to do with Mr. Hamilton personally. He may be the wisest or the weakest of men; most dexterous or most unsuccessful in the exhibition of his system; modest and proper, or prurient and preposterous in its commendation;—by none of these considerations is his system itself affected.

The proprietor of Ching's Lozenges must necessarily have recourse to a newspaper, to rescue from oblivion the merit of his vermifuge medicines. In the same manner, the Amboyna tooth-powder must depend upon the Herald and the Morning Post. Unfortunately, the system of Mr. Hamilton has been introduced to the world by the same means, and has exposed itself to those suspicions which hover over splendid discoveries of genius, detailed in the daily papers, and sold in sealed boxes at an infinite diversity of prices—but with a perpetual inclusion of the stamp, and with an equitable discount for undelayed payment.

It may have been necessary for Mr. Hamilton to have had recourse to these means of making known his discoveries, since he may not have had friends whose names and authority might have attracted the notice of the

public; but it is a misfortune to which his system has been subjected, and a difficulty which it has still to overcome. There is also a singular and somewhat ludicrous condition of giving *warranted lessons;* by which is meant, we presume, that the money is to be returned, if the progress is not made. We should be curious to know, how poor Mr. Hamilton would protect himself from some swindling scholars, who, having really learnt all that the master professed to teach, should counterfeit the grossest ignorance of the Gospel of St. John, and refuse to construe a single verse, or to pay a farthing?

Whether Mr. Hamilton's translations are good or bad is not the question. The point to determine is, whether very close interlineal translations are helps in learning a language? not whether Mr. Hamilton has executed these translations faithfully and judiciously. Whether Mr. Hamilton is or is not the inventor of the system which bears his name, and what his claims to originality may be, are also questions of very second-rate importance; but they merit a few observations. That man is not the discoverer of any art who first says the thing; but he who says it so long, and so loud, and so clearly, that he compels mankind to hear him—the man who is so deeply impressed with the importance of the discovery that he will take no denial, but, at the risk of fortune, and fame, pushes through all opposition, and is determined that what he thinks he has discovered shall not perish for want of a fair trial. Other persons had noticed the effect of coal gas in producing light; but Winsor worried the town with bad English for three winters before he could attract any serious attention to his views. Many persons broke stone before Macadam, but Macadam felt the discovery more strongly, stated it more clearly, persevered in it with greater tenacity, wielded his hammer, in short, with greater force than other men, and finally succeeded in bringing his plan into general use.

Literal translations are not only not used in our public schools, but are generally discountenanced in them. A literal translation, or any translation of a

school-book, is a contraband article in English schools, which a schoolmaster would instantly seize, as a Custom-house officer would a barrel of gin. Mr. Hamilton, on the other hand, maintains, by books and lectures, that all boys ought to be allowed to work with literal translations, and that it is by far the best method of learning a language. If Mr. Hamilton's system is just, it is sad trifling to deny his claim to originality, by stating that Mr. Locke has said the same thing, or that others have said the same thing, a century earlier than Hamilton. They have all said it so feebly, that their observations have passed *sub silentio;* and if Mr. Hamilton succeeds in being heard and followed, to him be the glory — because from him have proceeded the utility and the advantage.

The works upon this subject on this plan, published before the time of Mr. Hamilton, are Montanus's edition of the Bible, with Pignini's interlineary Latin version; Lubin's New Testament having the Greek interlined with Latin and German; Abbé L'Olivet's Pensées de Ciceron; and a French work by the Abbé Radonvilliers, Paris, 1768 — and Locke upon Education.

One of the first principles of Mr. Hamilton is, to introduce very strict literal, interlinear translations, as aids to lexicons and dictionaries, and to make so much use of them as that the dictionary or lexicon will be for a long time little required. We will suppose the language to be the Italian, and the book selected to be the Gospel of St. John. Of this Gospel Mr. Hamilton has published a key, of which the following is an extract: —

'1 Nel principio era il Verbo, e il Verbo era appresso
In the beginning was the Word, and the Word was near to
Dio, e il Verbo era Dio.
God, and the Word was God.

'2 Questo era nel principio appresso Dio.
This was in the beginning near to God.

'3 Per mezzo di lui tutte le cose furon fatte: e senza
By means of him all the things were made: and without
di lui nulla fu fatto di ciò, che è stata fatto.
of him nothing was made of that, of which is been made.

'4 In lui era la vita, e la vita era la luce degli
In him was the life, and the life was the light of the
uomini:
men:

'5 E la luce splende tra le tenebre, e le tene-
And the light shines among the darkness, and the dark-
bre hanno non ammessa la.
nesses have not admitted her.

'6 Vi fu un uomo mandato da Dio che nomava si
There was a man sent by God who did name himself
Giovanni.
John.

'7 Questi venne qual testimone, affin di rendere testi-
This came like as witness in order of to render testi-
monianza alla luce, onde per mezzo di lui tutti credessero.'
mony to the light, whence by mean of him all might believe.'

In this way Mr. Hamilton contends (and appears to us to contend justly), that the language may be acquired with much greater ease and despatch, than by the ancient method of beginning with grammar, and proceeding with the dictionary. We will presume at present, that the only object is to read, not to write, or speak Italian, and that the pupil instructs himself from the Key without a master, and is not taught in a class. We wish to compare the plan of finding the English word in such a literal translation, to that of finding it in dictionaries—and the method of ending with grammar, or of taking the grammar at an advanced period of knowledge in the language, rather than at the beginning. Every one will admit, that of all the disgusting labours of life, the labour of lexicon and dictionary is the most intolerable. Nor is there a greater object of compassion than a fine boy, full of animal spirits, set down in a bright sunny day, with a heap of unknown words before him, to be turned into English, before supper, by the help of a ponderous dictionary alone. The object in looking into a dictionary can only be to exchange an unknown sound for one that is known. Now, it seems indisputable, that the sooner this exchange is made the better. The greater the number of

such exchanges which can be made in a given time, the greater is the progress, the more abundant the *copia verborum* obtained by the scholar. Would it not be of advantage if the dictionary at once opened at the required page, and if a self-moving index at once pointed to the requisite word? Is any advantage gained to the world by the time employed first in finding the letter P, and then in finding the three guiding letters P R I? This appears to us to be pure loss of time, justifiable only if it be inevitable; and even after this is done, what an infinite multitude of difficulties are heaped at once upon the wretched beginner! Instead of being reserved for his greater skill and maturity in the language, he must employ himself in discovering in which of many senses which his dictionary presents the word is to be used; in considering the case of the substantive, and the syntaxical arrangement in which it is to be placed, and the relation it bears to other words. The loss of time in the merely mechanical part of the old plan is immense. We doubt very much, if an average boy, between ten and fourteen, will look out or find more than sixty words in an hour; we say nothing at present of the time employed in thinking of the meaning of each word when he has found it, but of the mere naked discovery of the word in the lexicon or dictionary. It must be remembered, we say an *average* boy — not what Master Evans, the show boy, can do, nor what Master Macarthy, the boy who is whipt every day, can do, but some boy between Macarthy and Evans; and not what this medium boy can do, while his mastigophorous superior is frowning over him; but what he actually does, when left in the midst of noisy boys, and with a recollection, that, by sending to the neighbouring shop, he can obtain any quantity of unripe gooseberries upon credit. Now, if this statement be true, and if there are 10,000 words in the Gospel of St. John, here are 160 hours employed in the mere digital process of turning over leaves! But, in much less time than this, any boy of average quickness might learn, by the Hamiltonian method, to construe the whole four Gospels, with the

greatest accuracy, and the most scrupulous correctness. The interlineal translation of course spares the trouble and time of this mechanical labour. Immediately under the Italian word is placed the English word. The unknown sound therefore is *instantly* exchanged for one that is known. The labour here spared is of the most irksome nature; and it is spared at a time of life the most averse to such labour; and so painful is this labour to many boys, that it forms an insuperable obstacle to their progress. They prefer to be flogged, or to be sent to sea. It is useless to say of any medicine that it is valuable, if it is so nauseous that the patient flings it away. You must give me, not the best medicine you have in your shop, but the best you can get me to take.

We have hitherto been occupied with finding the word; we will now suppose, after running a dirty finger down many columns, and after many sighs and groans, that the word is found. We presume the little fellow working in the true orthodox manner without any translation; he is in pursuit of the Greek word Βαλλω, and, after a long chase, seizes it, as greedily as a bailiff possesses himself of a fugacious captain. But, alas! the vanity of human wishes!—the never-sufficiently-to-be pitied stripling has scarcely congratulated himself upon his success, when he finds Βαλλω to contain the following meanings in Hederick's Lexicon:—1. Jacio; 2. Jaculor; 3. Ferio; 4. Figo; 5. Saucio; 6. Attingo; 7. Projicio; 8. Emitto; 9. Profundo; 10. Pono; 11. Immitto; 12. Trado; 13. Committo; 14. Condo; 15. Ædifico; 16. Verso; 17. Flecto. Suppose the little rogue, not quite at home in the Latin tongue, to be desirous of affixing English significations to these various words, he has then, at the moderate rate of six meanings to every Latin word, one hundred and two meanings to the word Βαλλω; or if he is content with the Latin, he has then only seventeen.*

* In addition to the other needless difficulties and miseries entailed upon children who are learning languages, their Greek Lexicons give a Latin

Words, in their origin, have a natural or primary sense. The accidental associations of the people who use it, afterwards give to that word a great number of secondary meanings. In some words the primary meaning is very common, and the secondary meaning very rare. In other instances it is just the reverse; and in very many the particular secondary meaning is pointed out by some proposition which accompanies it, or some case by which it is accompanied. But an accurate translation points these things out gradually as it proceeds. The common and most probable meanings of the word Βαλλω, or of any other word, are, in the Hamiltonian method, insensibly but surely fixed on the mind, which, by the lexicon method, must be done by a tentative process, frequently ending in gross error, noticed with peevishness, punished with severity, consuming a great deal of time, and for the most part only corrected, after all, by the accurate *vivâ voce* translation of the master —or, in other words, by the Hamiltonian method.

The recurrence to a translation is treated in our schools as a species of imbecility and meanness; just as if there was any other dignity here than utility, any other object in learning languages, than to turn something you do not understand, into something you do understand, and as if that was not the best method which effected this object in the shortest and simplest manner. Hear upon this point the judicious Locke:— 'But if such a man cannot be got, who speaks good Latin, and being able to instruct your son in all these parts of knowledge, will undertake it by this method; the next best is to have him taught as near this way as may be—which is by taking some easy and pleasant book, such as Æsop's Fables, and writing the English

instead of an English translation; and a boy of twelve or thirteen years of age, whose attainments in Latin are of course but moderate, is expected to make it the vehicle of knowledge for other languages. This is setting the short-sighted and blear-eyed to lead the blind; and is one of those afflicting pieces of absurdity which escape animadversion, because they are, and have long been, of daily occurrence. Mr. Jones has published an English and Greek Lexicon, which we recommend to the notice of all persons engaged in education, and not sacramented against all improvement.

translation (made as literal as it can be) in one line, and the Latin words which answer each of them just over it in another. These let him read every day over and over again, till he perfectly understands the Latin; and then go on to another fable, till he be also perfect in that, not omitting what he is already perfect in, but sometimes reviewing that, to keep it in his memory; and when he comes to write, let these be set him for copies, which, with the exercise of his hand, will also advance him in Latin. This being a more imperfect way than by talking Latin unto him, the formation of the verbs first, and afterwards the declensions of the nouns and pronouns perfectly learned by heart, may facilitate his acquaintance with the genius and manner of the Latin tongue, which varies the signification of verbs and nouns not as the modern languages do, by particles prefixed, but by changing the last syllables. More than this of grammar I think he need not have till he can read himself "Sanctii Minerva"—with Scioppius and Perigonius's notes.'—*Locke on Education*, p. 74. folio.

Another recommendation which we have not mentioned in the Hamiltonian system is, that it can be combined, and is constantly combined, with the system of Lancaster. The Key is probably sufficient for those who have no access to classes and schools: but in a Hamiltonian school during the lesson, it is not left to the option of the child to trust to the Key alone. The master stands in the middle, translates accurately and literally the whole verse, and then asks the boys the English of separate words, or challenges them to join the words together, as he has done. A perpetual attention and activity is thus kept up. The master, or a scholar (turned into a temporary Lancasterian master), acts as a living lexicon; and, if the thing is well done, as a lively and animating lexicon. How is it possible to compare this with the solitary wretchedness of a poor lad of the desk and lexicon, suffocated with the nonsense of grammarians, overwhelmed with every species of difficulty disproportionate to his age, and driven by despair to peg top, or marbles?

'Taking these principles as a basis, the teacher forms his class of *eight, ten, twenty,* or *one hundred.* The number is of little moment, it being as easy to teach a greater as a smaller one, and brings them at once to the language itself, by reciting, with a loud articulate voice, the first verse thus: — *In* in, *principio* in beginning, *Verbum* Word, *erat* was, *et* and, *Verbum* Word, *erat* was, *apud* at, *Deum* God, *et* and, *Verbum* Word, *erat* was, *Deus* God. Having recited the verse once or twice himself, it is then recited *precisely* in the same manner by any person of the class whom he may judge most capable; the person copying his manner and intonations as much as possible. — When the verse has been thus recited by *six* or *eight* persons of the class, the teacher recites the 2d verse in the same manner, which is recited as the former by any members of the class; and thus continues until he has recited from *ten* to *twelve* verses, which usually constitute the first lesson of one hour. — In three lessons, the first Chapter may be thus readily translated, the teacher gradually diminishing the number of repetitions of the same verse till the *fourth* lesson, when each member of the class translates his verse in turn from the mouth of the teacher; from which period *fifty, sixty,* or even *seventy,* verses may be translated in the time of a lesson, or one hour. At the *seventh* lesson, it is invariably found that the class can translate without the assistance of the teacher farther than for occasional correction, and for those words which they may not have met in the preceding chapters. But, to accomplish this, it is absolutely necessary that every member of the class know *every word* of all the preceding lessons; which is however an easy task, the words being always taught him in class, and the pupil besides being able to refer to the key whenever he is at a loss — the key being translated in the very words which the teacher has used in the class, from which, as before remarked, he must never deviate. — In *ten* lessons, it will be found that the class can readily translate the whole of the Gospel of St. John, which is called the first section of the course.—Should any delay, from any cause, prevent them, it is in my classes always for account of teacher, who gives the extra lesson or lessons always *gratis.*—It cannot be too deeply impressed on the mind of the pupil that *a perfect knowledge of every word* of his first section is most important to the ease and comfort of his future progress.—At the end of *ten* lessons, or first section, the custom of my Establishments is to give the pupil the *Epitome Historiæ Sacræ,* which is provided with a key in the same manner. — It was first used in our classes for the first and second sections; we now teach it in one

section of *ten* lessons, which we find easier than to teach it in two sections before the pupil has read the Testament.—When he has read the Epitome, it will be then time to give him the theory of the verbs and other words which change their terminations.—He has already acquired a good practical knowledge of these things; the theory becomes then very easy.—A grammar containing the declensions and conjugations, and printed specially for my classes, is then put into the pupil's hands, (not to be got by heart,— nothing is ever got by rote on this system,) but that he may comprehend more readily his teacher, who lectures on grammar generally, but especially on the verbs. From this time, that is, from the beginning of the *third* section, the pupil studies the theory and construction of the language as well as its practice. For this purpose he reads the ancient authors, beginning with Cæsar, which, together with the *Selecta e Profanis*, fills usefully the *third* and *fourth* sections. When these with the preceding books are well known, the pupil will find little difficulty in reading the authors usually read in schools. The *fifth* and *sixth* sections consist of Virgil and Horace, enough of which is read to enable the pupil to read them with facility, and to give him correct ideas of Prosody and Versification. Five or six months, with mutual attention on the part of pupil and teacher, will be found sufficient to acquire a knowledge of this language, which hitherto has *rarely* been the result of as many years.'

We have before said, that the Hamiltonian system must not depend upon Mr. Hamilton's method of carrying it into execution; for instance, he banishes from his schools the effects of emulation. The boys do not take each other's places. This, we think, is a sad absurdity. A cook might as well resolve to make bread without fermentation, as a pedagogue to carry on a school without emulation. It must be a sad doughy lump without this vivifying principle. Why are boys to be shut out from a class of feelings to which society owes so much, and upon which their conduct in future life must (if they are worth any thing) be so closely constructed? Poet A writes verses to outshine poet B. Philosopher C sets up roasting Titanium, and boiling Chromium, that he may be thought more of than philosopher D. Mr. Jackson strives to out-paint Sir Thomas; Sir Thomas Lethbridge to overspeak Mr. Canning; and so society gains good

chemists, poets, painters, speakers, and orators; and why are not boys to be emulous as well as men?

If a boy were in Paris, would he learn the language better by shutting himself up to read French books with a dictionary, or by conversing freely with all whom he met? and what is conversation but an Hamiltonian school? Every man you meet is a living lexicon and grammar—who is perpetually changing your English into French, and perpetually instructing you, in spite of yourself, in the terminations of French substantives and verbs. The analogy is still closer, if you converse with persons of whom you can ask questions, and who will be at the trouble of correcting you. What madness would it be to run away from these pleasing facilities, as too dangerously easy—to stop your ears, to double-lock the door, and to look out *chickens; taking a walk;* and *fine weather*, in Boyer's Dictionary—and then, by the help of Chambaud's Grammar, to construct a sentence which should signify, '*Come to my house, and eat some chickens, if it is fine!*' But there is in England almost a love of difficulty and needless labour. We are so resolute and industrious in raising up impediments which ought to be overcome, that there is a sort of suspicion against the removal of these impediments, and a notion that the advantage is not fairly come by without the previous toil. If the English were in a paradise of spontaneous productions, they would continue to dig and plough, though they were never a peach nor a pine-apple the better for it.

A principal point to attend to in the Hamiltonian system, is the prodigious number of words and phrases which pass through the boy's mind, compared with those which are presented to him by the old plan. As a talkative boy learns French sooner in France than a silent boy, so a translator of books learns sooner to construe, the more he translates. An Hamiltonian makes, in six or seven lessons, three or four hundred times as many exchanges of English for French or Latin, as a grammar schoolboy can do; and if he lose 50 per cent. of all he

hears, his progress is still, beyond all possibility of comparison, more rapid.

As for pronunciation of living languages, we see no reason why that consideration should be introduced in this place. We are decidedly of opinion, that all living languages are best learnt in the country where they are spoken, or by living with those who come from that country; but if that cannot be, Mr. Hamilton's method is better than the grammar and dictionary method. *Cæteris paribus*, Mr. Hamilton's method, as far as French is concerned, would be better in the hands of a Frenchman, and his Italian method in the hands of an Italian; but all this has nothing to do with the system.

"Have I read through Lilly?—have I learnt by heart that most atrocious monument of absurdity, the Westminster Grammar?—have I been whipt for the substantives?—whipt for the verbs?—and whipt for and with the interjections?—have I picked the sense slowly, and word by word, out of Hederick?—and shall my son Daniel be exempt from all this misery?—Shall a little unknown person in Cecil Street, Strand, No 25., pretend to tell me that all this is unnecessary?—Was it possible that I might have been spared all this?—The whole system is nonsense, and the man an impostor. If there had been any truth in it, it must have occurred to some one else before this period."—This is a very common style of observation upon Mr. Hamilton's system, and by no means an uncommon wish of the mouldering and decaying part of mankind, that the next generation should not enjoy any advantages from which they themselves have been precluded.—"*Ay, ay, it's all mighty well—but I went through this myself, and I am determined my children shall do the same.*" We are convinced that a great deal of opposition to improvement proceeds from this principle. Crabbe might make a good picture of an unbenevolent old man, slowly retiring from this sublunary scene, and lamenting that the coming race of men would be less bumped on the roads, better lighted in the streets, and less tormented with grammars and

lexicons, than in the preceding age. A great deal of compliment to the wisdom of ancestors, and a great degree of alarm at the dreadful spirit of innovation, are soluble into mere jealousy and envy.

But what is to become of a boy who has no difficulties to grapple with? How enervated will that understanding be, to which every thing is made so clear, plain, and easy! —no hills to walk up, no chasms to step over; every thing graduated, soft, and smooth. All this, however, is an objection to the multiplication table, to Napier's bones, and to every invention for the abridgment of human labour. There is no dread of any lack of difficulties. Abridge intellectual labour by any process you please—multiply mechanical powers to any extent—there will be sufficient, and infinitely more than sufficient, of laborious occupation for the mind and body of man. Why is the boy to be idle?—By and by comes the book without a key; by and by comes the lexicon. They do come at last—though at a better period. But if they did not come—if they were useless, if language could be attained without them—would any human being wish to retain difficulties for their own sake, which led to nothing useful, and by the annihilation of which our faculties were left to be exercised, by difficulties which *do* lead to something useful—by mathematics, natural philosophy, and every branch of useful knowledge? Can any one be so anserous as to suppose, that the faculties of young men cannot be exercised, and their industry and activity called into proper action, because Mr. Hamilton teaches, in three or four years, what has (in a more vicious system) demanded seven or eight? Besides, even in the Hamiltonian method it is very easy for one boy to outstrip another. Why may not a clever and ambitious boy employ three hours upon his key by himself, while another boy has only employed one? There is plenty of corn to thrash, and of chaff to be winnowed away, in Mr. Hamilton's system; the difference is, that every blow tells, because it is properly directed. In the old way half their force was lost in air. There is a mighty

foolish apophthegm of Dr. Bell's *, that it is not what is done for a boy that is of importance, but what a boy does for himself. This is just as wise as to say, that it is not the breeches which are made for a boy that can cover his nakedness, but the breeches he makes for himself. All this entirely depends upon a comparison of the time saved, by showing the boy how to do a thing, rather than by leaving him to do it for himself. Let the object be, for example, to make a pair of shoes. The boy will effect this object much better if you show him how to make the shoes, than if you merely give him wax, thread, and leather, and leave him to find out all the ingenious abridgments of labour which have been discovered by experience. The object is to turn Latin into English. The scholar will do it much better and sooner if the word is found for him, than if he finds it—much better and sooner if you point out the effect of the terminations, and the nature of the Syntax, than if you leave him to detect them for himself. The thing *is* at last done *by the pupil himself*—for he reads the language—which was the thing to be done. All the help he has received has only enabled him to make a more economical use of his time, and to gain his end sooner. Never be afraid of wanting difficulties for your pupil; if means are rendered more easy, more will be expected. The animal will be compelled or induced to do all that he can do. Macadam has made the roads better. Dr. Bell would have predicted, that the horses would get too fat; but the actual result is, that they are compelled to go ten miles an hour instead of eight.

'For teaching children, this, too, I think is to be observed, that, in most cases, where they stick, they are not to be further puzzled, by putting them upon finding it out themselves; as by asking such questions as these; viz.—which is the nominative case in the sentence they are to construe? or demanding what "aufero" signifies, to lead them to the knowledge what "abstulere" signifies,

* A very foolish old gentleman, seized on eagerly by the Church of England to defraud Lancaster of his discovery.

&c., when they cannot readily tell. This wastes time only, in disturbing them; for whilst they are learning, and apply themselves with attention, they are to be kept in good humour, and every thing made easy to them, and as pleasant as possible. Therefore, wherever they are at a stand, and are willing to go forwards, help them presently over the difficulty, without any rebuke or chiding; remembering that, where harsher ways are taken, they are the effect only of pride and peevishness in the teacher, who expects children should instantly be masters of as much as he knows; whereas he should rather consider, that his business is to settle in them *habits*, not angrily to inculcate *rules*.'—*Locke on Education*, p. 74.

Suppose the first five books of Herodotus to be acquired by a key, or literal translation after the method of Hamilton, so that the pupil could construe them with the greatest accuracy;—we do not pretend, because the pupil could construe this book, that he could construe any other book equally easy; we merely say, that the pupil has acquired, by these means, a certain *copia verborum*, and a certain practical knowledge of grammar, which must materially diminish the difficulty of reading the next book; that his difficulties diminish in a compound ratio with every fresh book he reads with a key —till at last he reads any common book, without a key —and that he attains this last point of perfection in a time incomparably less, and with difficulties incomparably smaller, than in the old method.

There are a certain number of French books, which when a boy can construe accurately, he may be said, for all purposes of reading, to be master of the French language. No matter how he has attained this power of construing the books. If you try him thoroughly, and are persuaded he is perfectly master of the books—then he possesses the power in question—he understands the language. Let these books, for the sake of the question, be Telemachus, the History of Louis XIV., the Henriade, the Plays of Racine, and the Revolutions of Vertot. We would have Hamiltonian keys to all these books, and the Lancasterian method of instruction. We believe these

books would be mastered in one sixth part of the time, by these means, that they would be by the old method, of looking out the words in the dictionary, and then coming to say the lesson to the master; and we believe that the boys, long before they came to the end of this series of books, would be able to do without their keys —to fling away their cork jackets, and to swim alone. But boys who learn a language in four or five months, it is said, are apt to forget it again. Why, then, does not a young person, who has been five or six months in Paris, forget his French four or five years afterwards? It has been obtained without any of that labour, which the objectors to the Hamiltonian system deem to be so essential to memory. It has been obtained in the midst of tea and bread and butter, and yet is in a great measure retained for a whole life. In the same manner the pupils of this new school use a colloquial living dictionary, and, from every principle of youthful emulation, contend with each other in catching the interpretation, and in applying to the lesson before them.

'If you wish boys to remember any language, make the acquisition of it very tedious and disgusting.' This seems to be an odd rule; but if it be good for language, it must be good also for every species of knowledge— music, mathematics, navigation, architecture. In all these sciences aversion should be the parent of memory —impediment the cause of perfection. If difficulty is the sauce of memory, the boy who learns with the greatest difficulty will remember with the greatest tenacity;—in other words, the acquisitions of a dunce will be greater and more important than those of a clever boy. Where is the love of difficulty to end? Why not leave a boy to compose his own dictionary and grammar? It is not what is done for a boy, but what he does for himself, that is of any importance. Are there difficulties enough in the old method of acquiring languages? Would it be better if the difficulties were doubled, and thirty years given to languages, instead of fifteen? All these arguments presume the difficulty to be got over, and then the memory

to be improved. But what if the difficulty is shrunk from? What if it put an end to power, instead of increasing it; and extinguish, instead of exciting, application? And when these effects are produced, you not only preclude all hopes of learning, or language, but you put an end for ever to all literary habits, and to all improvements from study. The boy who is lexicon-struck in early youth looks upon all books afterwards with horror, and goes over to the blockheads. Every boy would be pleased with books, and pleased with school, and be glad to forward the views of his parents, and obtain the praise of his master, if he found it possible to make tolerably easy progress; but he is driven to absolute despair by gerunds, and wishes himself dead! Progress is pleasure—activity is pleasure. It is impossible for a boy not to make progress, and not to be active in the Hamiltonian method; and this pleasing state of mind we contend to be more favourable to memory, than the languid jaded spirit which much commerce with lexicons never fails to produce.

Translations are objected to in schools justly enough, when they are paraphrases and not translations. It is impossible, from a paraphrase or very loose translation, to make any useful progress—they retard rather than accelerate a knowledge of the language to be acquired, and are the principal causes of the discredit into which translations have been brought, as instruments of education.

Infandum Regina jubes renovare dolorem,
Regina, jubes renovare dolorem infandum.

Oh! Queen, thou orderest to renew grief not to be spoken of.

Oh! Queen, in pursuance of your commands, I enter upon the narrative of misfortunes almost too great for utterance.

The first of these translations leads us directly to the explication of a foreign language, as the latter insures a perfect ignorance of it.

It is difficult enough to introduce any useful novelty in education without enhancing its perils by needless and untenable paradox. Mr. Hamilton has made an assertion in his Preface to the Key of the Italian Gospel, which has no kind of foundation in fact, and which has afforded a conspicuous mark for the aim of his antagonists.

'I have said that each word is translated by its *one sole* undeviating meaning, assuming as an incontrovertible principle in all languages that, with very few exceptions, each word has one meaning only, and can usually be rendered correctly into another by one word only, which one word should serve for its representative at all times and on all occasions.'

Now, it is probable that each word had one meaning only in its origin; but metaphor and association are so busy with human speech, that the same word comes to serve in a vast variety of senses, and continues to do so long after the metaphors and associations which called it into this state of activity are buried in oblivion. Why may not *jubeo* be translated order as well as command, or *dolorem* rendered *grief* as well as *sorrow?* Mr. Hamilton has expressed himself loosely; but he perhaps means no more than to say, that in school translations, the metaphysical meaning should never be adopted, when the word can be rendered by its primary signification. We shall allow him, however, to detail his own method of making the translation in question.

'Translations on the Hamiltonian system, according to which this book is translated, must not be confounded with translations made according to Locke, Clarke, Sterling, or even according to Dumarsais, Fremont, and a number of other Frenchmen, who have made what have been and are yet sometimes called *literal* and interlineal translations. The latter are, indeed, *interlineal,* but no *literal* translation had ever appeared in any language before those called Hamiltonian, that is, before my Gospel of St. John from the French, the Greek, and Latin Gospels published in London, and L'Hommond's Epitome of the Historia Sacra. These and these only were and are truly literal; that is to say, that every word is rendered in English by a corresponding part of speech; that the grammatical analysis of the phrase is

never departed from; that the case of every noun, pronoun, adjective, or particle, and the mood, tense, and person of every verb, are accurately pointed out by appropriate and unchanging signs, so that a grammarian not understanding one word of Italian, would, on reading any part of the translation here given, be instantly able to parse it. In the translations above alluded to, an attempt is made to preserve the correctness of the language into which the different works are translated, but the wish to conciliate this correctness with a literal translation has only produced a barbarous and uncouth idiom, while it has in every case deceived the unlearned pupil by a translation altogether false and incorrect. Such translations may, indeed, give an idea of what is contained in the book translated, but they will not assist, or at least very little, in enabling the pupil to make out the exact meaning of each word, which is the principal object of Hamiltonian translations. The reader will understand this better by an illustration: A gentleman has lately given a translation of Juvenal according to the plan of the above mentioned authors, beginning with the words *semper ego,* which he joins and translates, "shall I always be"—if his intention were to teach Latin words, he might as well have said, "shall I always eat beef-steaks?"—True, there is nothing about beef-steaks in *semper ego,* but neither is there about "shall be:" the whole translation is on the same plan, that is to say, that there is not one line of it correct,—I had almost said one word, on which the pupil can rely, as the exact equivalent in English of the Latin word above it.—Not so the translation here given.

'As the object of the author has been that the pupil should know every word as well as he knows it himself, he has uniformly given it the one sole, precise, meaning which it has in our language, sacrificing every where the beauty, the idiom, and the correctness of the English language to the original, in order to show the perfect idiom, phraseology and picture of that original as in a glass. So far is this carried, that where the English language can express the precise meaning of the Italian phrase only by a barbarism, this barbarism is employed without scruple—as thus: "e le tenebre non l'hanno ammessa."—Here the word *tenebre* being plural, if you translate it darkness, you not only give a false translation of the word itself, which is used by the Italians in the plural number, but what is much more important, you lead the pupil into an error about its government, it being the nominative case to *hanno,* which is the third person plural; it is therefore translated not darkness, but darknesses.'

To make these keys perfect, we rather think there should be a free translation added to the literal one. Not a paraphrase, but only so free as to avoid any awkward or barbarous expression. The comparison between the free and the literal translation would immediately show to young people the peculiarities of the language in which they were engaged.

Literal translation or key—*Oh! Queen, thou orderest me to renew grief not to be spoken of.*

Free,—'Oh! Queen, thou orderest me to renew my grief, too great for utterance.'

The want of this accompanying free translation is not felt in keys of the Scriptures, because, in fact, the English Bible is a free translation, great part of which the scholar remembers. But in a work entirely unknown, of which a key was given, as full of awkward and barbarous expressions as a key certainly ought to be, a scholar might be sometimes puzzled to arrive at the real sense. We say as full of awkward and barbarous expressions as it ought to be, because we thoroughly approve of Mr. Hamilton's plan, of always sacrificing English and elegance to sense, when they cannot be united in the key. We are rather sorry Mr. Hamilton's first essay has been in a translation of the Scriptures, because every child is so familiar with them, that it may be difficult to determine whether the apparent progress is ancient recollection or recent attainment; and because the Scriptures are so full of Hebraisms and Syriacisms, and the language so different from that of Greek authors, that it does not secure a knowledge of the language equivalent to the time employed upon it.

The Keys hitherto published by Mr. Hamilton are the Greek, Latin, French, Italian, and German keys to the Gospel of St. John, Perrin's Fables, Latin Historia Sacra, Latin, French, and Italian Grammar and Studia Metrica. One of the difficulties under which the system is labouring, is a want of more Keys. Some of the best Greek and Roman classics should be immediately published, with Keys, and by very good scholars. We shall now lay before our readers an extract from one of

the public papers respecting the progress made in the Hamiltonian schools.

'*Extract from the Morning Chronicle of Wednesday, November 16th, 1825.—Hamiltonian System.*—We yesterday were present at an examination of eight lads who have been under Mr. Hamilton since some time in the month of May last, with a view to ascertain the efficacy of his system in communicating a knowledge of languages. These eight lads, all of them between the ages of twelve and fourteen, are the children of poor people, who when they were first placed under Mr. Hamilton, possessed no other instruction than common reading and writing. They were obtained from a common country school, through the interposition of a Member of Parliament, who takes an active part in promoting charity schools throughout the country; and the choice was determined by the consent of the parents, and not by the cleverness of the boys.

'They have been employed in learning Latin, French, and latterly Italian; and yesterday they were examined by several distinguished individuals, among whom we recognized John Smith, Esq. M.P.; G. Smith, Esq. M.P.; Mr. J. Mill, the historian of British India; Major Camac; Major Thompson; Mr. Cowell, &c. &c. They first read different portions of the Gospel of St. John in Latin, and Cæsar's Commentaries, selected by the visiters. The translation was executed with an ease which it would be in vain to expect in any of the boys who attend our common schools, even in their third or fourth year; and proved, that the principle of exciting the attention of boys to the utmost, during the process by which the meaning of the words is fixed in their memory, had given them a great familiarity with so much of the language as is contained in the books above alluded to. Their knowledge of the parts of speech was respectable, but not so remarkable; as the Hamiltonian system follows the natural mode of acquiring language, and only employs the boys in analysing, when they have already attained a certain familiarity with any language.

'The same experiments were repeated in French and Italian with the same success, and, upon the whole, we cannot but think the success has been complete. It is impossible to conceive a more impartial mode of putting any system to the test, than to make such an experiment on the children of our peasantry.'

Into the truth of this statement we have personally inquired, and it seems to us to have fallen short of the facts, from the laudable fear of overstating them. The

lads selected for the experiment were parish boys of the most ordinary description, reading English worse than Cumberland curates, and totally ignorant of the rudiments of any other language. They were purposely selected for the experiment by a gentleman who defrayed its expense, and who had the strongest desire to put strictly to the test the efficacy of the Hamiltonian system. The experiment was begun the middle of May 1825, and concluded on the day of November in the same year mentioned in the extract, exactly six months after. The Latin books set before them were the Gospel of St. John, and parts of Cæsar's Commentaries. Some Italian book or books (what we know not), and a selection of French histories. The visiters put the boys on where they pleased, and the translation was (as the reporter says) executed with an ease which it would be vain to expect in any of the boys who attend our common schools, even in their third or fourth year.*

From experiments and observations which have fallen under our own notice, we do not scruple to make the following assertions. If there were keys to the four Gospels, as there is to that of St. John, any boy or girl of thirteen years of age, and of moderate capacity, studying four hours a day, and beginning with an utter ignorance even of the Greek character, would learn to construe the four Gospels with the most perfect and scrupulous accuracy, in six weeks. Some children, utterly ignorant of French or Italian, would learn to construe the four Gospels, in either of these languages, in three weeks; the Latin in four weeks; the German in five weeks. We believe they would do it in a class; but not to run any risks, we will presume a master to attend upon one student alone for these periods. We assign a master principally, because the application of a solitary boy at

* We have left with the bookseller the names of two gentlemen who have verified this account to us, and who were present at the experiment. Their names will at once put an end to all scepticism as to the fact. Two more candid and enlightened judges could not be found.

that age could not be depended upon; but if the sedulity of the child were certain, he would do it nearly as well alone. A greater time is allowed for German and Greek, on account of the novelty of the character. A person of mature habits, eager and energetic in his pursuits, and reading seven or eight hours per day, might, though utterly ignorant of a letter of Greek, learn to construe the four Gospels, with the most punctilious accuracy, in three weeks, by the Key alone. These assertions we make, not of the Gospels alone, but of any tolerably easy book of the same extent. We mean to be very accurate; but suppose we are wrong — add 10, 20, 30 per cent. to the time — an average boy of thirteen, in an average school, cannot construe the four Gospels in two years from the time of his beginning the language.

All persons would be glad to read a foreign language, but all persons do not want the same scrupulous and comprehensive knowledge of grammar which a great Latin scholar possesses. Many persons may, and do, derive great pleasure and instruction from French, German, and Italian books, who can neither speak nor write these languages — who know that certain terminations when they see them, signify present or past time, but who, if they wished to signify present or past time, could not recall these terminations. For many purposes and objects, therefore, very little grammar is wanting.

The Hamiltonian method begins with what all persons want — a facility of construing, and leaves every scholar to become afterwards as profound in grammar as he (or those who educate him) may choose; whereas the old method aims at making all more profound grammarians than three fourths wish to be, or than nineteen twentieths *can* be. One of the enormous follies of the enormously foolish education in England is, that all young men — dukes, fox-hunters, and merchants — are educated as if they were to keep a school, and serve a curacy; while scarcely an hour in the Hamiltonian education is lost for any variety of life. A grocer may learn enough of Latin to taste the sweets of Virgil; a

cavalry officer may read and understand Homer, without knowing that ἵημι comes from εω with a smooth breathing, and that it is formed by an improper reduplication. In the mean time, there is nothing in that education which prevents a scholar from knowing (if he wishes to know) what Greek compounds draw back their accents. He may trace verbs in ἰμι from polysyllables in ἰω, or derive endless glory from marking down derivatives in πτω, changing the ε of their primitives into iota.

Thus, in the Hamiltonian method, a good deal of grammar necessarily impresses itself upon the mind (*chemin faisant*), as it does in the vernacular tongue, without any rule at all, and merely by habit. How is it possible to read many Latin Keys, for instance, without remarking, willingly or unwillingly, that the first persons of verbs end in *o*, the second in *s*, the third in *t*? — that the same adjective ends in *us* or *a*, accordingly as the connected substantive is masculine or feminine, and other such gross and common rules? An Englishman who means to say, *I will go to London*, does not say, *I could go to London*. He never read a word of grammar in his life; but he has learnt, by habit, that the word *go* signifies to proceed or set forth, and by the same habit he learns that future intentions are expressed by *I will*; and by the same habit the Hamiltonian pupil, reading over and comprehending twenty times more words and phrases than the pupil of the ancient system, insensibly but infallibly fixes upon his mind many rules of grammar. We are far from meaning to say, that the grammar thus acquired will be sufficiently accurate for a first-rate Latin and Greek scholar; but there is no reason why a young person arriving at this distinction, and educated in the Hamiltonian system, may not carry the study of grammar to any degree of minuteness and accuracy. The only difference is, that he begins grammar as a study, after he has made a considerable progress in the language, and not before — a very important feature in the Hamiltonian system, and a very great improvement in the education of children.

The imperfections of the old system proceed in a great measure from a bad and improvident accumulation of difficulties, which must all perhaps, though in a less degree, at one time or another be encountered, but which may be, and in the Hamiltonian system are, much more wisely distributed. A boy who sits down to Greek with lexicon and grammar, has to master an unknown character of an unknown language—to look out words in a lexicon, in the use of which he is inexpert—to guess, by many trials, in which of the numerous senses detailed in the lexicon he is to use the word—to attend to the inflexions of cases and tense—to become acquainted with the syntax of the language—and to become acquainted with these inflexions and this syntax from books written in foreign languages, and full of the most absurd and barbarous terms, and this at the tenderest age, when the mind is utterly unfit to grapple with any great difficulty; and the boy, who revolts at all this folly and absurdity, is set down for a dunce, and must go into a marching regiment, or on board a man of war! The Hamiltonian pupil has his word looked out for him, its proper sense ascertained, the case of the substantive, the inflexions of the verb pointed out, and the syntaxical arrangement placed before his eyes. Where, then, is he to encounter these difficulties? Does he hope to escape them entirely? Certainly not, if it be his purpose to become a great scholar; but he will enter upon them when the character is familiar to his eye—when a great number of Greek words are familiar to his eye and ear—when he has practically mastered a great deal of grammar—when the terminations of verbs convey to him different modifications of time, the terminations of substantives different varieties of circumstance—when the rules of grammar, in short, are a confirmation of previous observation, not an irksome multitude of directions, heaped up without any opportunity of immediate application.

The real way of learning a dead language, is to imitate, as much as possible, the method in which a living

language is naturally learnt. When do we ever find a well-educated Englishman or Frenchman embarrassed by an ignorance of the grammar of their respective languages? They first learn it practically and unerringly; and then, if they choose to look back and smile at the idea of having proceeded by a number of rules without knowing one of them by heart, or being conscious that they had any rule at all, this is a philosophical amusement: but who ever thinks of learning the grammar of their own tongue before they are very good grammarians? Let us hear what Mr. Locke says upon this subject:—'If grammar ought to be taught at any time, it must be to one that can speak the language already; how else can he be taught the grammar of it? This at least is evident, from the practice of the wise and learned nations amongst the ancients. They made it a part of education to cultivate their own, not foreign languages. The Greeks counted all other nations barbarous, and had a contempt for their languages. And though the Greek learning grew in credit amongst the Romans towards the end of their commonwealth, yet it was the Roman tongue that was made the study of their youth: their own language they were to make use of, and therefore it was their own language they were instructed and exercised in.

'But, more particularly, to determine the proper season for grammar, I do not see how it can reasonably be made any one's study, but as an introduction to rhetoric. When it is thought time to put any one upon the care of polishing his tongue, and of speaking better than the illiterate, then is the time for him to be instructed in the rules of grammar, and not before. For grammar being to teach men, not to speak, but to speak correctly, and according to the exact rules of the tongue, which is one part of elegancy, there is little use of the one to him that has no need of the other. Where rhetoric is not necessary, grammar may be spared. I know not why any one should waste his time, and beat his head about the Latin grammar, who does not intend to be a critic, or make speeches, and write despatches

in it. When any one finds in himself a necessity or disposition to study any foreign language to the bottom, and to be nicely exact in the knowledge of it, it will be time enough to take a grammatical survey of it. If his use of it be only to understand some books writ in it, without a critical knowledge of the tongue itself, reading alone, as I have said, will attain that end, without charging the mind with the multiplied rules and intricacies of grammar.' — *Locke on Education*, p. 78. folio.

In the Eton Grammar, the following very plain and elementary information is conveyed to young gentlemen utterly ignorant of every syllable of the language: —

'Nomina anomala quæ contrahuntur sunt, 'Ολοπαθῆ, quæ contrahuntur in omnibus, ut γοος γοῦς, &c. 'Ολιγοπαθῆ, quæ in paucioribus casibus contrahuntur, ut substantiva Barytonia in υρ. Imparyllatria in ουρ,' &c. &c.

From the Westminster Grammar we make the following extract — and some thousand rules, conveyed in poetry of equal merit, must be fixed upon the mind of the youthful Grecian, before he advances into the interior of the language: —

'ω finis thematis finis utriusque futuri est
Post liquidam in primo, vel in unoquoque secundo,
ω circumflexum est. Ante ω finale character
Explicitus σε primi est implicitusque futuri
ω itaque in quo σ quasi plexum est solitu in σω.'
Westminster Greek Grammar, 1814.

Such are the easy initiations of our present methods of teaching. The Hamiltonian system, on the other hand, 1. teaches an unknown tongue by the closest interlinear translation, instead of leaving a boy to explore his way by the lexicon or dictionary. 2. It postpones the study of grammar till a considerable progress has been made in the language, and a great degree of practical grammar has been acquired. 3. It substitutes the cheerfulness and competition of the Lancasterian system for the dull solitude of the dictionary. By these

means, a boy finds he is making a progress, and learning something from the very beginning. He is not overwhelmed with the first appearance of insuperable difficulties; he receives some little pay from the first moment of his apprenticeship, and is not compelled to wait for remuneration till he is out of his time. The student, having acquired the great art of understanding the sense of what is written in another tongue, may go into the study of the language as deeply and as extensively as he pleases. The old system aims at beginning with a depth and accuracy which many men never will want, which disgusts many from arriving even at moderate attainments, and is a less easy, and not more certain road to a profound skill in languages, than if attention to grammar had been deferred to a later period.

In fine, we are strongly persuaded, that the time being given, this system will make better scholars; and the degree of scholarship being given, a much shorter time will be needed. If there be any truth in this, it will make Mr. Hamilton one of the most useful men of his age; for if there be any thing which fills reflecting men with melancholy and regret, it is the waste of mortal time, parental money, and puerile happiness, in the present method of pursuing Latin and Greek.

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